

Burke, Paine and Neighbourhood in International Politics

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Declaration

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed

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Date

21 / 08 / 2013

This thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

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Summary

This thesis recovers and examines what are termed the neighbourhood aspects of Edmund Burke's and Thomas Paine's thought. These neighbourhood ideas reveal a conception of politics in both writers that makes no distinction between the different scales of human action. This is a way of thinking about the relations of people and communities that has been overlooked by those studying the history of international political thought, as it does not conform to the prevailing image of 'international' thought. It is argued that a dichotomised conception of politics divided into domestic and international realms of action became dominant in the nineteenth century and shaped both the way we think about the world and the values embodied in our present ways of life. By recovering this alternative neighbourhood conception, we are able to consider with a new sense of possibility what we think about the concept and values we have inherited. The thesis adapts Quentin Skinner's arguments about the method of studying the history of political thought to argue that there is a much broader history of international political thought that can be drawn upon.

The thesis examines Burke and Paine's arguments and involvement in some of the most significant events of the late eighteenth century. It explores how the neighbourhood perspective shaped their ideas and arguments about the relations between Britain and the American Colonies and the establishment of an independent America. It considers Burke's arguments in regards to Britain's involvement in India through the East India Company and how neighbourhood ideas shaped his vision of Empire. Finally it considers Burke's and Paine's different reaction to the French Revolution, and their common concern for the growing dominance of the conception of politics that saw people and communities as isolated, autonomous individuals, rather than socially constituted beings.

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Conventions

Bibliography – This lists all of the sources referenced in the thesis. It also lists a few secondary authorities that, while not directly referenced, have helped to shape my understanding of the historical and intellectual context in which Burke and Paine wrote, as well as the interpretations that have been made of their political thought.

Gender – Gendered terms like he, man, men and mankind are used here because they are the terms employed by the authors. It is clear that when gendered terms like ‘men’ were used in the original works, they were not necessarily intended to differentiate between men and women, and in this thesis I have followed that original usage. I am cognisant of problems surrounding the gendered use of language and where possible have attempted to use neutral language. However, I made the choice to follow the author’s original usage in order to avoid confusion and facilitate discussion. Where I have made my own arguments, I used gender-neutral language.

Quotation – All quotation used here replicates how the author originally presented his/her argument. I have kept the original spelling of words and all emphasis found in quotations are added by the original author. The only exception to this is where minor changes have been made in capitalization or tense to aid the flow of reading. All such changes have been indicated by the use of brackets [].

Referencing – The Notes and Bibliography system is used here with a few minor variations. As the thesis draws heavily on the collected works of both Burke and Paine, to best indicate where and when an argument was made the primary title reference used is the particular document, speech or letter. The very first reference to each document in every chapter includes the original date of publication and the printed volume location of the text and bibliographic information. After, the title of the document is used and the page reference to the collection volume is given. To avoid unnecessarily long references, the full bibliographic reference to the printed volume of Burke’s or Paine’s writings is given for its first inclusion in a chapter, but thereafter referred to in abbreviated form. For example:

¹ E. Burke, 'A Vindication of Natural Society' [1756], *Writings and Speeches of Edmund Burke: Volume I The Early Writings*, (ed.) T.O. McLoughlin & J.T. Boulton, (Oxford: Oxford University Press, 1997).

And subsequently:

² Burke, 'A Philosophical Enquiry into the Origins of Ideas of Sublime and the Beautiful' [1757], *Writings I*.

Tenses – As the discussion of Burke's and Paine's writings is primarily historical, the past tense is used to describe their arguments in reference to particular events, people and nations. Although, there are a number of places throughout this analysis where Burke or Paine have not been talking about issues in relation to particular historical events but rather have sought to make a point about human beings as such. In these instances, the use of the past tense appears inappropriate and may even lead to confusion in meaning, and so the present tense is used to best represent their thought.

Introduction

Neighbourhood is a term that appears in prominent and significant places in the writings of two of the most influential political figures of the late eighteenth century, Edmund Burke and Thomas Paine. Its use is more than a simple analogical reference to communities of streets and houses; it signifies a way of thinking about the relations of people that sees no distinction between local, national and international. Both Burke and Paine ‘wrote as with individuals so with nations’ and the idea of neighbourhood in their thought helps us to understand their view of the world composed, not of autonomous individuals or states, but rather a great number of mutually constitutive communities that shape and govern people’s lives. This is an aspect of their thought that has been overlooked and an approach to thinking about politics that has been forgotten, as it does not conform to the hegemonic view of politics, a view that has been in place since the Enlightenment, which divides politics into domestic and international concerns. In particular, this neighbourhood view does not fit with the image of ‘international’ thought that has defined the study of International Relations (IR). By recovering this alternative perspective, it is intended that we not only gain an understanding of the different ways in which relations between peoples have been thought about, but as Quentin Skinner argues, we also gain a greater understanding of ideas and values embodied in our present ways of life.¹

In spite of their different judgements on the state of politics in their day, the idea of neighbourhood is central in both Burke and Paine arguments. This study is primarily a history of ideas recovering the neighbourhood aspects of their thought. With this in mind there are four key themes that establish, introduce and run through this project.

- I. The domestic-international split that has created certain understandings of the world and assumptions about politics, and resulted in ideas such as neighbourhood being overlooked and lost.
- II. The idea and role of neighbourhood.

¹ Q. Skinner, *Visions of Politics: Volume 1 Regarding Method*, (Cambridge: Cambridge University Press, 2002), 6.

III. Why the existing engagement with Burke's and Paine's thought in IR has been limited and the 'international' aspects of their work ignored by political theory

IV. The contextual importance and prominence of Burke and Paine during their time, and how their era has informed the ideas and values that have shaped our understanding of politics and the world.

I

The idea that there are distinct domestic and international realms of social and political relations has become a ubiquitous assumption shaping many of the most important values embodied in our present ways of life. Our notions of key concepts such as sovereignty and rights, justice, not to mention autonomy, democracy and liberty are all grounded in this bifurcation. It has not only shaped the direction of political thought since the Enlightenment, but has been a prism through which many people have assessed the history of political thought. This division is the foundation of the study of IR and the understandings of international and world order it has produced—from an anarchical international system, to a society of states, to notions of a world community and government. The consequence of this has been that those seeking to explain world politics or 'international' relations tend to view the world from one of two starting points. On the one hand, there are those who view and think about the world based on a conception of mankind as a whole, a community of all individuals. On the other hand, those who view and think of the world divided into independent, self-derived and self-contained states; positions that can be broadly characterised as cosmopolitan or communitarian.²

While IR scholars have continued to organise their understanding of the world around one of these assumptions, they have found it increasingly difficult to explain international politics solely from within one camp, crossing over at crucial points in their arguments³ and many seeking to

² A classification Chris Brown characterises as more or less inclusive of all variants of IR theory and which Molly Cochran argues reflects a similar distinction within Political Theory between liberals and communitarians. C. Brown, *International Relations Theory: New Normative Approaches*, (London: Harvester Wheatsheaf, 1992), 27; in particular: J. Thompson, *Justice and World Order: A Philosophical Inquiry*, (London: Routledge, 1992); M. Cochran, *Normative Theory in International Relations: A Pragmatic Approach*, (Cambridge: Cambridge University Press, 1999); For the parallel debate in political Theory see: Cochran, *Normative Theory in International Relations*, 9-13; D. Morrice, 'The Liberal-Communitarian Debate in Contemporary Political Philosophy and its Significance for International Relations', *Review of International Studies*, 26/2, (2000); S. Caney, 'Liberalism and Communitarianism: a Misconceived Debate', *Political Studies*, 40/2, 273-289, (1992).

³ C. Brown, *Sovereignty, Rights and Justice: International Political Theory*, (Cambridge: Polity Press, 2007), 17.

find a compromise or reconcile these two positions.⁴ One of the most prominent and long standing groupings that has sought to find a middle path between these two positions is the English School, but in reacting against the division of IR into two schools, they too have accepted the domestic-international split, and essentially reconciled the two positions by bringing moral concern into an international realm composed of states, casting it as a society of states. The neighbourhood perspective highlights similar concerns to those of the English School, but rejects the bifurcation of politics central to their arguments. The idea of neighbourhood does not provide a compromise or a way of reconciling the dominant strands of IR thought; instead it provides a potential way of bridging the gap between the ideas and concerns of those on either side of the divide, by dissolving the domestic-international division.

While in many ways a very compelling and useful distinction, the domestic-international bifurcation is not a ‘natural’ division, but rather a facet of political thought that has developed since the Enlightenment. As Martin Wight adeptly pointed out, while speculation about the state and the ‘good life’ has been given the whole ‘political theory’ tradition to draw upon, those speculating about relations between states and ‘survival’ have been left with those thoughts at the margins of thinkers activities.⁵ Perhaps, though, we should consider Wight’s classic lament “why is there no international theory?” not as a call to create ‘international’ theory, or to better sift through the history of political thought for examples of this type of theory, but as an indication that there may be a flaw in the distinction itself. Rather than looking back for thought that conforms to an image of international relations based on our present way of life, or that addresses certain perennial questions of ‘international’ relations, we should ask how people have perceived relations between communities in their time, and how they have conceived the world to be ordered. Those seeking to study IR, like those in Political Theory, have attempted to discern traditions of thought to help inform and guide discussion and action.⁶ But as critiques such as Renée Jeffery’s highlight, to identify a tradition is to make assumptions about what and who is included and implies connections and a degree of coherence between thinkers and ideas.⁷

⁴ Erskine’s notion of embedded cosmopolitanism is one such example of this, and she provides a good account of the struggles between the cosmopolitan communitarian positions in IR: T. Erskine, *Embedded Cosmopolitanism: Duties to Strangers and Enemies in a World of Dislocated Communities*, (Oxford: Oxford University Press, 2008).

⁵ Wight defines Political Theory as theory of the good life and International theory as the theory of survival. M. Wight, ‘Why is there no International Theory?’, in *Diplomatic Investigations: Essays in the Theory of International Politics*, (ed.) H. Butterfield & M. Wight (London: George Allen & Unwin Ltd, 1966), 33.

⁶ For example, see H. Williams, *International Relations in Political Theory*, (Milton Keynes: Open University Press, 1992); K. Waltz, *Man State and War: A Theoretical Analysis*, (New York: Columbia University Press, 2001)

⁷ R. Jeffery, ‘Tradition as Invention: The “Traditions Tradition” and the History of Ideas in International Relations’, *Millennium*, 34/1, (2005), 57-84.

This has limited not only the figures that we draw upon, but also the understandings and ideas found in those figures that quite clearly address the relations of communities and peoples. Too often, the ‘international’ aspects of writers like Burke and Paine are overlooked, undervalued or misunderstood by those seeking to understand relations between people and communities due to the bewitching nature of the current hegemonical account of politics and the world. It is for this reason that the writings of Burke and Paine and the idea of neighbourhood in particular, have been largely overlooked by those working within the IR paradigm.

II.

The ideas of neighbourhood found in Burke’s and Paine’s thought do not offer us an overtly or radically different understanding of the world, but rather a subtle yet fundamentally important one. The term neighbourhood has Germanic roots, a compound of ‘*nigh*’, ‘*boor*’ and ‘*-hood*’, it literally means the condition or quality of being a proximate dweller.⁸ While its use may now be less common, ‘*nigh*’ signifies not simply being close, but actively coming close. An examination of the various definitions and etymology of the terms neighbourhood and neighbour reveals their use to highlight the closeness of people to a place; being close to one another; a certain vicinity; the closeness of something; the friendly relations, feelings and conduct of being close to one another; or the condition or quality of being close to someone or something.⁹ The common and core aspect of these definitions is the signification of closeness, nearness, proximity and vicinity.¹⁰ Essentially, a neighbourhood is a community of people who live close to one another and this is commonly, but not necessarily, understood to signify physical proximity. Neighbourhood and neighbour have also remained prominent translations of the Latin terms *vicinage* and *proximum*. The Roman law of *vicinage* is central to Burke’s idea of the “law of neighbourhood,” and *vicinage* is an important part of common law,¹¹ which was sighted in the American Declaration of Independence and has subsequently formed a central plank of the

⁸ It is a compound of the words ‘*nigh*’ denoting proximity, ‘*boor*’ referring to a dweller, husbandman, peasant, countryman and ‘*-hood*’ which is a suffix meaning person, personality, sex, condition, quality, rank.

⁹ “neighbourhood | neighborhood, n.”. OED Online. (Oxford University Press, 2013).

<http://www.oed.com/view/Entry/125931?redirectedFrom=neighbourhood> (accessed 22 July, 2013).

¹⁰ Neighbourhood, OED Online.

¹¹ Magna Carta clause 14. E. Sandoz (Ed. & Trans), *The Roots of Liberty: Magna Carta, Ancient Constitution, and the Anglo-American Tradition of Rule of Law* (Indianapolis: Liberty Fund, 2008) Appendix: Text and Translation of Magna Carta.

constitutional right to trial by jury in the United States.¹² The translation of the Bible's second commandment *diliges proximum tuum, sicut te ipsum* – love thy neighbour as thyself – has also been integral to the development of the use and meaning of neighbour, and is central to the logic and sentiment in Burke's and Paine's arguments.

It is this aspect of closeness and what it means and entails that is central to Burke's and Paine's neighbourhood ideas. In both of their arguments three senses of neighbourhood are employed. First, they use neighbourhood to conjure an idea of proximity, an image of a local neighbourhood of streets and houses, of being physically close and concerned with occurrences within a particular vicinity. This is important because it establishes a clear and immediate sense of the close, interconnected relations with which they are concerned. It is also vital because it describes the place where people first come to know the world, and from this foundation, come to encounter the world and expand their knowledge and experience. Second, for both Burke and Paine, people are social creatures, and so while people may be physically close to one another, what makes something a neighbourhood is not simply physical but also social proximity, a shared interest or identification with one another. While physical proximity can help generate these social identifications and relations, it is not a necessary part of a neighbourhood. It is close social relations that are the basis of how people and communities are constituted and relate to one another. Neighbourhood in this sense identifies the interconnected nature of people's existence and the importance of affectedness to understanding how our lives are governed. These first two senses are linked because they explain how neighbourhood operates as fact.¹³ The third sense in which Burke and Paine talk of neighbourhood differs from the first two in that it refers to a positive value of neighbourhood that they believe will best realise particular goals and objectives. For Paine, this can be seen in his argument that better realising the logic of the second commandment¹⁴ might lead to finding some mode other than war to settle the differences that occasionally arise in the neighbourhood of nations.¹⁵ For Burke, this can be seen

¹² This right is established in the constitution of the United States of America Article III section II & Amendment VI. H. G. Connor, 'Constitutional Right to a Trial by a Jury of the Vicinage', *University of Pennsylvania Law Review and American Law Register*, 57/4 (1909), 197-215; W. W. Blume, 'The Place of Trial of Criminal Cases: Constitutional Vicinage and Venue', *The Michigan Law Review*, 43/1 (1944), 59-94; G. K. Winchester, 'Race, Venue, and the Rodney King Case: Can Baston Save the Vicinage Community' *University of Detroit Law Review*, 73/2 (1996) 271-96.

¹³ This distinction draws upon Hedley Bull's 'order and fact' and 'order as value' distinction: H. Bull, *The Anarchical Society, A Study of Order in World Politics*, (London: Macmillan, 1977); summarised well by A. Hurrell, *On Global Order: Power, Values and the Constitution of International Society*, (Oxford: Oxford University Press, 2007), 2.

¹⁴ T. Paine, 'African Slavery in America' [1775], *The Complete Writings of Thomas Paine Volume II*, (New York: Citadel Press, 1945), 15-19.

¹⁵ T. Paine, 'Rights of Man: Part First' [1791], *The Complete Writings of Thomas Paine Volume I*, (New York: Citadel Press, 1945), 245.

in his defence of the long established customs, manners and practices of the European neighbourhood against the abstract ideas of the rights of man.¹⁶

While the word neighbourhood immediately brings to mind geographical vicinity, for both Burke and Paine this is not about being physically close to other people, but about being close in terms of who people are and how they live their lives. What concerns them is that the closer people are socially, culturally and in relation to a shared interest, the more they affect and strongly identify with each other. It is these neighbourhoods we are part of that make us and allow us to be who we are. They may be the territorially bound neighbourhood of streets and houses, cities or nations, but may also be virtual neighbourhoods of religion, culture, race or belief, which, for both writers, can be as evident on the scale of continents and empires as they are on local scales. The constitutive relations established by proximity not only give us a concern with the affairs of the neighbourhood, but give the neighbourhood a concern in our affairs. Central percept of this is expressed by Burke when he states that man is never “perfect master on his own ground.”¹⁷ The closer we are to other people, the more concerned we are with them and they with us. The concern of neighbourhood is not simply a right or responsibility to know the affairs of the neighbourhood, but also a right and responsibility for its governance. The neighbourhood is the source of both order and conflict, as the concern for its governance can unite or divide its members. Neighbourhoods are ultimately the governing communities of society, existing at and across, the local, national and international scale of politics.

Territorially defined political communities arise because people’s proximity to one another generates concern or interest in the governance of the immediate vicinity in which they live. This concern over vicinity can manifest itself by drawing people together to cooperate and be ‘good neighbours,’ however, it can also cause people to perceive hostility and competition, resulting in conflict and division that creates, so to speak, ‘neighbours from hell.’ Often people do not choose, but are rather thrown into the world as part of territorially defined state communities. As such, states are composed of people, who are part of numerous other neighbourhoods both within and across the territorial boundaries of the state, and these neighbourhoods not only have a concern with the state, but the state too has a concern with them.¹⁸ For both Burke and Paine,

¹⁶ E. Burke, ‘Reflection on the Revolution in France’ [1790]: *The Writings and Speeches of Edmund Volume VIII*, (Oxford: Clarendon Press, 1989), 60.

¹⁷ E. Burke, ‘First Letter on a Regicide Peace’ [1795], *The Writings and Speeches of Edmund Burke Volume IX*, ed. W.B. Todd, (Oxford: Clarendon Press, 1990), 250.

¹⁸ The formal political community need not be a state but for explanatory purposes here it is taken to be so.

it is these neighbourhoods that make people who they are and states what they are. States like Britain, France and even America arise as part of larger neighbourhoods or civilisations that have common customs and manners and give them their particular form and character. The continued interaction of people and communities within such grand neighbourhoods constantly create shared concerns, strengthening old neighbourhoods as well as forming new ones. It is the concerns of these neighbourhoods that are the source of both order and conflict among their members. Communities and states, as with the people who form them, are never perfect masters within their own limits. For both Paine and Burke, one of the clearest and most important examples of neighbourhood on a large scale was Europe. The European neighbourhood was not formed of its various nations, rather, the nations of Europe were products of the neighbourhood. It is for this reason that the laws, customs, religion, manners and form of government of European nations are so similar. These are all nations constituted by European peoples who, while having their own regional interpretations, share a common understanding of how to live and govern their lives.¹⁹ This is something that extends from treaties made between nations to establish trade and maintain peace, to a baker's promise to a butcher to give him bread for a week in return for two steaks on his wife's birthday. What sustains agreements and holds people together, whether between nations, within a nation or between individuals is not, as Burke puts it, "papers and seals," but "resemblances, conformities and sympathies."²⁰

III.

That Burke and Paine dealt with events and issues of an international political nature cannot be doubted and there has been some recognition of the international concern in both writers thought by a number of IR scholars. For example, John Vincent has highlighted that the opposing views of Burke and Paine express well one of the central arguments in IR—the debate over the theory and practice of human rights.²¹ Burke has been described by Martin Wight as "the only philosopher who has turned wholly from political theory to international theory."²² Jennifer Welsh has written a book examining how Burke's writings relate to contemporary debates of International Relations and a number of writers including John Vincent, Fred Halliday

¹⁹ On this grandest scale these neighbourhoods have been called civilizations.

²⁰ Burke, 'First Letter on a Regicide Peace', 247.

²¹ J. Vincent, 'The Place of Theory in the Practice of Human Right', in *Two Worlds of International Relations*, (ed.) C. Hill & P. Beshoff, (London: Routledge, 1994), 32.

²² Wight, 'Why is there no International Theory', 20.

and David Boucher have produced interesting articles examining aspects of Burke's thought in relation to international politics.²³ Similarly, Paine was described by Michael Howard as having produced such a lucid, complete and forceful argument that "every liberal or socialist who has written about foreign policy since has been able to produce little more than an echo of [his] original Philippic."²⁴ Writers such as David Fitzsimons, Beate Jahn and Thomas Walker have also recognised the importance of Paine's arguments to international relations, but there is currently no in-depth study into the international aspects of Paine's thought.²⁵ Finally, while Burke's status warrants an entry in Brown, Nardin and Rengger's *International Relations in Political Thought*, Paine receives no mention;²⁶ as such the discussion of Paine here is the first concentrated accounts of Paine's international thought.

From a survey of the literature it is clear that despite a number of writers taking up their cases, both Burke and, particularly, Paine have been and remain largely neglected figures in discussions of international politics.²⁷ It is also apparent that while both justly receive attention within political theory, this literature has also tended to overlook the international aspects of their thought and the arguments about the idea of neighbourhood in their writings. While each saw no distinction between politics on local, national and international scales, those scholars who have returned to Burke and Paine have tended to be preoccupied by questions shaped by these distinctions. This thesis provides accounts of Burke's and Paine's writings that recover aspects of their thought previously overlooked and undervalued due to this division. By recovering and interrogating the neighbourhood aspects of their arguments, the intention is to see things as much as possible their way and to engage with their questions, concerns and problems first. In

²³ Wight: Wight, 'Why is there no International Theory'; see also M. Wight, *International Theory: The Three Traditions*, (Leicester: Leicester University Press, 1991); Welsh: J. Welsh, *Edmund Burke and International Relations*, (Oxford: St Martin's Press, 1995); also D. P. Fidler & J. Welsh (ed.), *Empire and Community: Edmund Burke's Writings and Speeches on International Relations*, (Boulder, CO: Westview Press, 1999); J. Vincent, 'Edmund Burke and the Theory of International Relations', *Review of International Studies*, 10/3, (Cambridge: Cambridge University Press, 1984), 205-18; F. Halliday, 'International Society as Homogeneity: Burke, Marx, Fukuyama', *Millennium*, 21/3 (1992); D. Boucher, 'The Character of the Philosophy of International Relations and the Case of Edmund Burke', *Review of International Studies*, 17/2 (1991), 127-48; D. Boucher, *Political Theories of International Relations*, (Oxford: Oxford University Press, 1998), 308-329.

²⁴ M. Howard, *War and the Liberal Conscience*, (London: Maurice Temple Smith Ltd, 1978), 29.

²⁵ D. M. Fitzsimons, 'Tom Paine's New World Order: Idealistic Internationalism in the Ideology of Early American Foreign Relations', *Diplomatic History*, 19/4, (2007), 569-82; B. Jahn, *The Cultural Construction of International Relations: the Invention of the State of Nature*, (Basingstoke: Palgrave Macmillan, 2000), 132-149; T. Walker, 'The Forgotten Prophet: Tom Paine's Cosmopolitanism and International Relations', *International Studies Quarterly*, 44/1, (2000); T. Walker, 'Two Faces of Liberalism: Kant, Paine and the Question of Intervention', *International Studies Quarterly*, 52/3, (Blackwell Publishers, 2008) 449-68.

²⁶ C. Brown, T. Nardin & N. Rengger, *International Relations in Political Thought: Texts from the Ancient Greeks to the First World War*, (Cambridge: Cambridge University Press, 2002).

²⁷ See: Walker, 'The Forgotten Prophet', 54-55; Welsh, *Edmund Burke and International Relations*, 1-4.

this endeavour not only can we properly consider what their arguments might tell us about our world and our problems, but we can also gain a clearer understanding of the choices made within European thought that underpin the ways the world is thought about today and the values embodied in this thinking.

IV.

The idea of neighbourhood in Burke's and Paine's thought is not simply one alternative to the ideas and conceptions that came to dominate after the French Revolution. Burke and Paine were two of the most prominent and widely read political thinkers of their day, whose thoughts and arguments played important roles in the major events in Britain, America, France, India and beyond. Burke has been described as "one of the greatest men...in an age of unusually fertile genius,"²⁸ and Paine the "greatest public figure of his generation."²⁹ Together, Thomas Copeland has described them as the principal antagonists in the "great controversy" that was "perhaps the most crucial ideological debate ever carried out in English."³⁰ It is the debate over the French Revolution, the theoretical discussion of rights and government and the reform of England and Europe after the example of France³¹ that both writers are most often associated with and has linked their names together in the minds of subsequent generations.

The debate dominated political discussion in Britain and around the world during the 1790s, with Burke and Paine held up as the standard bearers for the two opposing camps.³² Taken, as they often are, solely in the context of this debate, Burke and Paine can appear at odds, even diametrically opposed in their arguments—the archetypal exponents of conservatism versus liberalism. Vincent highlights that this image of their debate is echoed in the current debates of human rights.³³ Such a juxtaposition of Burke and Paine misconstrues their arguments in general

²⁸ H. Rogers, 'A Biographical and Critical Introduction', in *The Works of the Right Hon. Edmund Burke: Volume I*, (London: Holdsworth and Ball, 1834), ii.

²⁹ J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995), xiv.

³⁰ T. Copeland, *Our Eminent Friend Edmund Burke: Six Essays*, (Westport, CT: Greenwood Press, 1970).

³¹ R. R. Fennessy, *Burke, Paine and the Rights of Man: A Difference of Political Opinion*, (The Hague: Martinus Nijhoff, 1963), vi.

³² Gregory Claeys has produced a wonderful multi volume account that sets out these debates and highlights the central role that Burke and Paine that they played for those involved in the debate. G. Claeys (ed.), *Political Writings of the 1790s*, Volumes 1-8 (London: William Pickering, 1995); see also: S. Blackmore, *Intertextual War: Edmund Burke and the French Revolution in the Writings of Mary Wollstonecraft*, (Cranbury, NJ: Associated University Press, 1997); J. Hodson, *Language and Revolution in Burke, Wollstonecraft, Paine and Godwin*, (Aldershot: Ashgate, 2007).

³³ Vincent, 'The Place of Theory in the Practice of Human Right', 32.

and also exaggerates their positions on the French Revolution, both of which become clear when the neighbourhood aspects of their thought are considered.³⁴ Burke and Paine held very different views on the events in France and the likelihood of their bringing about effective change in the governance of society and the promotion of liberty, but both saw the proximity of the nations and peoples of Europe as crucial, not only physically, but in terms of identification, manners and interest. Burke saw the French Revolution as a break with the established laws, customs and manners of the European neighbourhood that were proven to maintain order and protect liberties, based at best on abstract speculation and more likely as the pretext of ambitious men.³⁵ In contrast, Paine saw the Revolution as the opportunity for Europe to follow America's lead, by putting into practice the ideas of the Enlightenment and the spirit of liberty at the heart of the European neighbourhood and to overturn the archaic customs that caused Europe to be plagued by 'international' conflict.

A wider view of Burke's and Paine's thought, as a number of excellent accounts have shown, provides us with a more complex and nuanced understanding of their writings.³⁶ It is by taking a deeper view of the development of each writer's thought through the major events in which they were involved that we find a fuller, clearer and in many ways more consistent argument. The idea of neighbourhood is not only more clearly seen in this context, but sheds greater light on the ideas and the arguments both men advanced. The intention is not to reconstruct the debate between Burke and Paine, but to explore the development of each writer's thinking about events

³⁴ A Canavan argues "the first thing to be noted about the Burke-Paine controversy is that it never really took place." F. Canavan, 'The Burke-Paine Controversy', *The Political Science Reviewer*, 6/1 (1976), 391; see also F. Canavan, 'The Relevance of the Burke Paine-Controversy to American Political Thought', *Review of Politics*, 49/2 (1987), 163-76; Fennessy, *Burke, Paine and the Rights of Man*; Copeland, *Our Eminent Friend Edmund Burke*, 146-189.

³⁵ Burke, 'Reflections', 91-2.

³⁶ A number of commentaries and biographies have been most useful on this point. For Burke: The Introduction and comments to the collection of Burke writings under the General Editorship of Paul Langford. E. Burke, *The Writings and Speeches of Edmund Burke Volumes I-IX*, (Oxford: Clarendon Press, 1981-97); C.B. Cone, *Burke and the Nature of Politics: Volume I The Age of the American Revolution & Volume II The Age of the French Revolution*, (University of Kentucky Press, 1957 & 1964); F.P. Lock, *Edmund Burke: Volume I 1730-1784 & Volume II 1784-1797*, (Oxford: Clarendon Press, 1998 & 2006); C-C. O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke*, (London: Sinclair-Stevenson, 1992); S.H. Browne, *Edmund Burke and the Discourse of Virtue*, (Tuscaloosa, AL: The University of Alabama Press, 1993); P.J. Stanlis, *Edmund Burke and the Natural Law*, (Lafayette, LA: Huntington House Inc., 1986); L. Gibbons, *Edmund Burke and Ireland: Aesthetics, Politics and the Colonial Sublime*, (Cambridge: Cambridge University Press, 2003); T.H.D. Mahoney, *Edmund Burke and Ireland*, (Cambridge, MA: Harvard University Press, 1960).

For Paine: The introductions and editors notes to. T. Paine, *The Complete Writings of Thomas Paine Volume I & Volume II*, (ed.) P.S. Foner (New York: Citadel Press, 1945); W. M. Van der Weyde, *The Life and Works of Thomas Paine: Volume I Life of Thomas Paine*, (New Rochelle, NY: Thomas Paine National Historical Society, 1925); J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995); H.J. Kaye, *Thomas Paine and the Promise of America*, (New York: Hill and Wang, 2005); C. Nelson, *Thomas Paine: Enlightenment, Revolution and the Birth of Modern Nations*, (New York: Viking, 2006); E. Foner, *Tom Paine and Revolutionary America*, (Oxford: Oxford University Press, 1976).

that were ‘international’ in their scale and impact. The recovery of neighbourhood from their writings reveals arguments, understandings and linkages that have been underappreciated and even overlooked by those looking back for particular purposes or operating with understandings of how the world is ordered which are not to be found in the writings of Burke and Paine.

Burke and Paine were two of the most influential and widely read political thinkers of their day. Both saw ‘international’ issues as necessary parts of a full understanding of politics. That these important ‘international’ aspects of their thought have been marginalised and neglected tells us something interesting about the decisions on how the world should be thought about in a period that Reinhart Koselleck described as a ‘Sattelzeit’, a transition period in which concepts of the modern world took shape. The view of the end of the eighteenth century as an ‘antechamber to our present epoch’³⁷ is reflected in the arguments of Hinsley and Osiander, who see it as the most significant point in the transition to separate sovereign territorial states, and that only after this point could a ‘nation’ state be considered complete unto itself.³⁸ The recovery of neighbourhood in the thought of Burke and Paine not only gives us insight into this period and the path taken to create our world, but also demonstrates the validity and importance of expanding conceptions of what ‘international’ thought looks like, paving the way for a much wider body of political thought to be utilised in helping us understand the world today.

For Burke and Paine not only is there no analytical distinction between local, national and international politics, but there is also no substantive difference.³⁹ Theirs are understandings of politics that mark them out from many of their contemporaries as well as their successors, who saw national boundaries as not only marking the limits of political community, but also separating a domestic realm from an international one. This can be clearly seen in thinkers such as Rousseau, Bentham, Kant and Hegel who are credited by prominent IR scholars, such as Chris Brown, as being key figures in shaping the main ways we think about the world.⁴⁰ As F H Hinsley argues, it was an increasingly prevailing attitude towards the end of the eighteenth century to view the true purpose of “the science called politics” as being concerned with the perfection of the interior state and to see the exterior realm as being that of false policy and

³⁷ R. Koselleck, *Crisis and Critique: Enlightenment and the Pathogenesis of Modern Society*, (Cambridge MA: MIT Press), 6.

³⁸ A. Osiander, ‘Sovereignty, International Relations and the Westphalian Myth’, *International Organisation*, 55/2 (Cambridge: Cambridge University Press, 2001).

³⁹ J. Vincent, ‘Edmund Burke and the Theory of International Relations’, *Review of International Studies*, 10/3, (Cambridge: Cambridge University Press, 1984), 205.

⁴⁰ C. Brown, *International Relations Theory*.

power politics.⁴¹ This attitude continued into the nineteenth century where the hegemonic focus on the state saw this attitude turn from a discourse of politics into a discipline of Political Science that replaced the old study of moral philosophy⁴² and eventually lead to the creation of a subfield of IR.⁴³ This dichotomisation of politics is grounded in the decision to prioritise, and consider separable, life inside the state. This renders life outside and between states not only of secondary concern, but of a different order, a sentiment clearly expressed in Wight's distinction between political theory as the theory of the good life, and international theory as the theory of survival.⁴⁴ It is important that we keep in mind that people did not always see things this way, that our current understanding of the world and values embodied in it are not given or inherently better. More than this, if we fail to engage with such crucial periods as that of Burke's and Paine's time with the same rigour in which we engage with problems today, we are likely to lose not only important understandings of how the world was and can be thought about, but we also forget why we have come to think about the world in a certain way. In doing this, we unthinkingly accept a particular view of the world and the values embodied in our present way of life without any sense of whether they are still appropriate for our situation.

V. Chapter Breakdown

Chapter 1 argues that a particular image and understanding of international politics has developed that has limited the extent to which the 'international' aspect of the history of political thought can be accessed, appreciated and appropriated. Drawing upon the arguments of Quentin Skinner, I argue that other ways of thinking about how peoples relate with one another can be identified in the history of political thought, and that these alternative ideas, such as the ideas of neighbourhood in Burke's and Paine's thought, provide not only the basis for thinking about our problems differently, but also support a greater understanding of those ideas and values embodied in our present ways of life. The chapter sets out the methodological considerations that guide the analysis, examines the gaps in the existing literature on Burke and Paine and

⁴¹ F.H. Hinsley, *Power and the Pursuit of Peace*, (Cambridge: Cambridge University Press, 1963), 82

⁴² B. Schmidt, *The Political Discourse of Anarchy*, (Albany: State University of New York Press, 1998), 44 & Ch 2; What is clear in Schmidt's account is that even though some of the early political scientists did not pick solely an internal or an external focus, in their examinations of sovereignty they accepted the existence of distinct realms from which sovereignty needed to be considered.

⁴³ Schmidt, *The Political Discourse of Anarchy*, 1.

⁴⁴ Wight, 'Why is there no International Theory?', 33; R. Jackson, 'Martin Wight, International Theory and the Good Life', *Millennium: Journal of International Studies*, 19/2, (1990) 261-72.

highlights how the development of a bifurcated image of politics has led to a hegemonic understating of how the world is ordered.

Chapters 2 to 9 focus on the recovery of the ideas of neighbourhood in Burke's and Paine's writings and the analysis of how the 'international' aspects of their thought are integral to their arguments as a whole. Dealing first with Burke and then with Paine, their writings are set out in chronological fashion, exploring the development of neighbourhood within their thought. While the accounts of Burke and Paine are broadly parallel, they follow narratives unique to each writer and reveal different and occasionally conflicting manifestations of neighbourhood on an international scale.

The chapters on Burke explore the development of his ideas of neighbourhood through his writings on the American Crisis, Britain's increasing involvement in India and the crisis of Europe caused by the Revolution in France.

Chapter 2 provides an introduction to Burke, his idea of neighbourhood and examines some of the arguments Burke made regarding the land of his birth, Ireland.

Chapter 3 examines Burke's writings on the American Crisis, his understanding of empire and the idea of a neighbourhood of 'blood' or kinship. For Burke, the American Colonists were Englishmen divided from Britain by a great expanse of ocean. This presented the new and developing problem of distance in relations of great social and political proximity. The chapter explores Burke's observations on the challenges and opportunities presented when governing a people divided by a great ocean and it draws out how his understanding of neighbourhood relations shape his arguments. Central to his discussions was the importance of attending to the practical rather than ideal constitution, the place of discontent in guiding governance, his view of what would make an empire British and the implications of governing within an imperial neighbourhood.

Chapter 4 explores Burke's writings concerning India and the East India Company (EIC), emphasising what he saw as the basis of all government and the idea and implications of a neighbourhood of strangers. Through the actions of the EIC, Britain had become entangled with the governance of all India, placing the practice and conduct of power and authority in both places in close proximity and in doing so, created a new neighbourhood. Unlike the close

relations with fellow Englishmen, the relations with India were with a people not only physically distant, but also socially and culturally distant. Burke examines how different and physically distant peoples, can become close, in important ways, through interaction. This presented the problem of how to effectively reconcile strange systems and cultures of society and government. The chapter examines the major questions this raised for him over issues of rights, responsibilities and duties, not only in relation to India and Britain, but also to mankind as a whole. Central to Burke's arguments was his understanding of the different types of chartered rights, the role and limitations of imperial governance, the origin of political power and privilege and the importance of extending ideas and conceptions of justice beyond the narrow confines of the state.

Chapter 5 interrogates Burke's writings on the French Revolution, how he viewed change and development in both society and government and the idea of a neighbourhood of neighbours. While his writings on America and India had examined the extension or creation of neighbourhood relations, the events in France had dangerously disturbed and affected the long established neighbourhood of Europe. The chapter examines why Burke's understanding of neighbourhood caused him to reject the abstract principles and ideas of the French Revolution and sets out the central role that his ideas of neighbourhood play in his understanding of how society and government develop and operate. Finally, in setting out Burke's "law of the neighbourhood," it makes clear the role proximity played for Burke in the operation and government of society. This chapter also brings together certain arguments running through Burke's writings and suggests they contain alternative understandings of key concepts and values, such as liberty, sovereignty, autonomy, rights, representation, constitutions and empire.

The chapters on Paine chart the development of his ideas of neighbourhood starting with his move to the 'New World' and his rejection of the old, corrupted, hostile European neighbourhood through his vision for a new type of political community in America and finally his attempts to regenerate the European neighbourhood.

Chapter 6 introduces Paine, his idea of neighbourhood and examines his earliest writings, which provide the crucial context for the development of his ideas.

Chapter 7 examines Paine's arguments in *Common Sense*, focusing on his understanding of society and government and his view of Europe as a hostile neighbourhood. For Paine, Britain's abuse

of power against fellow countrymen in America laid bare the corruption at the heart of European society and government. In America, a land separated from Europe by an ocean, Paine saw a chance to establish a new type of political community, one free of the divisions and hostility that a continent divided into close competing kingdoms had created. The chapter sets out the importance of the idea of neighbourhood in Paine's account of the origins of society and government; the importance of social proximity in how people come to know the world; and explains how Paine saw monarchical rule as corrupting society and government by presenting an image of men and nations as individuals set against one another.

Chapter 8 explores Paine's *Crisis Papers* and his vision of a neighbourly neighbourhood. Having successfully made the case for independence, Paine turned his mind to achieving independence and building a new kind of political community. He argued that America needed to move beyond the European idea of individual civilisation and realise that as members of a neighbourhood, what people do to their neighbours, they do to themselves. The chapter examines the impact of self-interested and neighbourly conduct for Paine at both the individual and national scales; builds on his understanding of how neighbourhood helps people come to know the world; and explains the importance of the American principle of liberty in both the relations between Americans and in America's relations with the world.

Chapter 9 interrogates Paine's arguments in *Rights of Man* and his hope for neighbourhood regeneration in Europe. In the French Revolution, Paine saw a chance for new ideas and practices, established in America, to regenerate the European neighbourhood. Differences will always arise between peoples when in close relation to one another. The question for Paine was not how to remove or avoid these differences, but how to manage them without resorting to conflict and war. The chapter argues that, for Paine, the answer to this was in understanding man as a social creature, whose relations and governance should reflect this. Central to this argument was Paine's understanding of society and the role of commerce in building international neighbourhoods; the origin and role of the rights of men and nations; the role of constitutions in making people's lives and communities comprehensible to those around them; and finally, the importance of republican government in bringing together the knowledge of a national neighbourhood and comprehending international connections, shared interests and common social foundations.

The **Conclusion** brings together Burke's and Paine's ideas of neighbourhood; suggests a concept of neighbourhood that can be taken from their thought; highlights areas of convergence and divergence between the two writers; and how their interpretations of the relations of neighbourhood affected their understanding of the politics of their day. Finally, the chapter addresses what the recovery of an alternative way of thinking about politics in Burke's and Paine's ideas of neighbourhood might reveal about the way we currently understand our world, the values embodied in our present ways of life and how we might think about and approach the history of international political thought.

Chapter 1

The Perennial Question in International Politics

Introduction

The idea that we can talk of a classical theory of international relations or a canon of texts containing international political thought suffuses International Relations literature and arguments. Realists have traced their line of thinking through Rousseau, Hobbes, Machiavelli back to Thucydides;¹ liberals look back to figures such as Kant, Smith and Locke;² just war theorists draw from Augustine and Aquinas;³ and the English School writers have drawn upon legal theorists such as Grotius and Vattel.⁴ In short, writings from Thucydides through to Schumpeter have been drawn upon as sources of both direct and indirect relevance to contemporary problems and the study of international relations.⁵ As Quentin Skinner critically argues, it appears that the value of such a canon of thought stems from it containing ‘dateless wisdom’ and that we might “learn and benefit directly from investigating these ‘timeless elements’, since they possess a perennial relevance.”⁶ Skinner critiques this ‘perennial problems’ approach to the history of ideas, arguing that rather than addressing timeless questions, classic thinkers and their texts were addressing issues specific to the context in which they were produced. To hold that there are perennial questions of international politics or the history of ideas more generally is to mistake our problems, our values and our way of thinking for the way it has been and must always be. As writers such as Beate Jahn and Edward Keene highlight, we

¹ K. Waltz, *Man, the State and War: a theoretical analysis*, (New York: Columbia Press, 2001).

² M. Doyle & S. Recchia, ‘liberalism in International Relations’, in *International Encyclopaedia of Political Science: Volume 5*, (2011), 1434-1439.

³ C. O’Driscoll, Talking Just War: Obama in Oslo, Bush at War, *Politics*, 31/2 (Blackwell, 2011), 82-90.

⁴ H. Bull, ‘The Grotian Concept of International Society’, in *Diplomatic Investigations: Essays in the Theory of International Politics*, (ed.) H. Butterfield & M. Wight (London: George Allen & Unwin Ltd, 1966).

⁵ I draw the parameters of the canon from Brown, Nardin and Rengger’s excellent anthology: C. Brown, T. Nardin & N. Rengger (ed.), *International Relations in Political Thought: Texts from the Ancient Greeks to the First World War*, (Cambridge: Cambridge University Press, 2002).

⁶ Q. Skinner, *Visions of Politics: Volume 1 Regarding Method*, (Cambridge: Cambridge University Press, 2002), 57.

should be wary of the continuities drawn between past thinkers and our current problems, and should try to be more open to revealing, exploring and embracing the discontinuities that exist in the history of international political thought.⁷

This chapter argues that there is a ‘perennial questions’ problem in the way many scholars have thought about and sought to study international politics. Drawing on Skinner’s arguments about method, I argue and explore how the misappropriation of the history of political thought has led to the creation of a mythology which underpins how International Relations (IR) is studied. Specifically, I argue that by using aspects of Skinner’s method we can recover a wide range of ‘international’ thought, and in particular Burke’s and Paine’s ideas of neighbourhood, which has been misinterpreted and overlooked because it does not fit with the hegemonic image of politics and international relations that has shaped the development of IR.⁸ The intent is not only to recover a more diverse history of thinking about ‘international’ politics, but also to gain a better understanding of the values and choices embodied in our present ways of life. This chapter proceeds as follows.

I. I describe the Skinnerian concerns about the history of political thought that underlie and guide the recovery and engagement with Burke’s and Paine’s neighbourhood ideas. I examine Skinner’s key arguments regarding method and explore the relevant critiques and debates which have arisen in reaction to them. I also outline how these arguments can be used to more thoroughly explore the history of international thought and inform our study of international politics.

II. I examine how the focus on the contemporary study of IR has limited the engagement with Paine’s and Burke’s thought and argue that this has led to the most interesting ‘international’ aspects of their thought being overlooked.

III. I argue that the disciplines of Politics and IR have their origin in the bifurcation of politics in the nineteenth century and that this has established a hegemonic understanding of politics divided into separate domestic and international realms that excludes other ways of thinking about the world, such as neighbourhood.

⁷ B. Jahn, ‘Classical Theory and International Relations in Context’, in *Classical Theory in International Relations*, B. Jahn (ed.), (Cambridge: Cambridge University Press, 2006); E. Keene, *International Political Thought: A Historical Introduction*, (Cambridge: Polity, 2005).

⁸ I use the term hegemonic here in the sense that Skinner employs it to refer to an unthinkingly accepted understanding or account.

IV. I argue that the dominant approaches to IR have developed either upon the idea that the international realm is composed of states, or that it is ultimately composed of autonomous individual people and exclude other ways of thinking about the world. I review some of the most prominent influential proponents of these approaches and highlight how their arguments mythologise the idea of international politics.

I

If we are to study the history of ‘international’ political thought, and wish to recover the ideas and arguments of past thinkers, we need to think about what such an endeavour entails. We can trace the term ‘international’ back only as far as Bentham’s original use, to better describe the old law of nations and distinguish international from civil law, but it sounds very odd indeed to suggest that there were no international relations prior to 1781.⁹ We are, then, interested in an aspect of political thought, the invention and subsequent development of the term ‘international’ has come to signify. The absence of a central definitional term to guide historians on international thought, has led many to employ or suggest the existence of ‘perennial issues’ of international politics such as ‘anarchy’, ‘national interest’, ‘war’, ‘diplomacy’, ‘trade’ and ‘balance of power’.¹⁰ We learn from Skinner’s critique of these perennial issues and ‘unit’ idea approaches in the history of ideas that this approach to studying what past thinkers have said about international politics must be seriously questioned.

To paraphrase Skinner, the question of whether classic texts are worthy of study or even considered within international politics, has been said to depend on the extent to which they can be shown to address perennial issues of international relations in a relevant way. First classical thinkers, to be considered in IR, must be seen to address a distinct realm of political activity

⁹ “In the second place, with regard to the *political quality* of the persons whose conduct is the object of the law. These may, on any given occasion, be considered either as members of the same state, or as members of different states: in the first case, the law may be referred to the head of *internal*, in the second case, to that of *international* jurisprudence. “Footnote: The word *international*, it must be acknowledged, is a new one; though, it is hoped, sufficiently analogous and intelligible. It is calculated to express, in a more significant way, the branch of law which goes commonly under the name of the *law of nations*: an appellation so uncharacteristic, that, were it not for the force of custom, it would seem rather to refer to internal jurisprudence.” J. Bentham, *The Principles of Morals and Legislation* [1781], (New York: Hafner Press, 1948), 326.

¹⁰ H. Morgenthau, *Dilemmas of Politics*, (Chicago: Chicago University Press, 1958), 47-8; D.P. Fidler & J. Welsh, *Empire and Community: Edmund Burke’s Writings and Speeches on International Relations*, (Boulder, CO: Westview Press, 1999), 37; C. Brown, *Understanding International Relations*, (London: MacMillan, 1997), 1. In contrast Brown, Rengger & Nardin’s *International Relations in Political Thought* and Keane’s *International Political Thought* are good examples of scholars who have started to avoid this anachronistic approach.

between ‘states’ or at least ‘state-like communities’. I maintain, echoing Skinner, that this view of international political thought is not only insensitive, but blind “to the possibility that earlier thinkers may have been interested in a range of questions very different from our own,”¹¹ while nonetheless concerned with the relations of people and communities. The problem Skinner highlights is that “by appropriating the past in this fashion” those of us interested in ‘international’ aspects of politics, “leave ourselves no space to consider what earlier philosophers may have been *doing* in writing as they wrote.”¹² This has two main implications. First, that we may misinterpret and misunderstand what those writers, who appear to address our issues, were trying to say and do in writing. Second, there is a range of thinkers who, because they consider the relations between people and communities differently, have been overlooked or deemed irrelevant.

This study of Burke’s and Paine’s thought seeks as much as possible to see things their way. In recovering the ideas of neighbourhood from their thought the intention is to establish how they thought about their world and to highlight that the alternative way of thinking about international politics in their time may provide us with a basis from which we can think about our world and our problems differently. This is intended to be a history of political thought in line with Skinner’s suggestion that:

“[T]he history of philosophy and perhaps especially the moral, social and political philosophy, is there to prevent us becoming too readily bewitched. The intellectual historian can help us appreciate how far the values embodied in our present way of life, and our present way of thinking about these values, reflect a series of choices made at different times between different possible worlds. This awareness can help to liberate us from the grip of any one hegemonal account of those values and how they should be interpreted and understood. Equipped with a broader sense of possibility, we can stand back from the intellectual commitments we have inherited and ask ourselves with a new spirit of enquiry what we should think of them.”¹³

¹¹ Skinner, *Visions of Politics I*, 2-3.

¹² Skinner, *Visions of Politics I*, 2-3 emphasis in the original.

¹³ Q. Skinner, *Liberty Before Liberalism*, (Cambridge: Cambridge University Press), 116-7.

At the heart of Skinner's arguments about method is the assumption he draws from R. G. Collingwood¹⁴ that the history of political thought should be viewed not as a series of attempts to answer a canonical set of questions, but rather a sequence of episodes in which the questions as well as the answers have frequently changed.¹⁵ In short, for Skinner "there is no history of the idea to be written. There is only a history of its various uses, and of the varying intentions with which it is used."¹⁶ To understand a text we must be not only be able to give an account of the meaning of what is said, but also what the writer in question may have meant by saying what they said.¹⁷ We are left without a sense of what the author was trying to say, if we do not enquire as to what question they were addressing themselves. Skinner draws on J. L. Austin's argument that whenever we use language for the purpose of communication we are always doing something, as well as saying something. Austin showed Skinner that any serious utterance will contain not only meaning, but also what he termed illocutionary force.¹⁸ So, when we issue meaningful utterances we succeed in performing illocutionary acts such as promising, warning, persuading, informing etc. Skinner argues that the historian of political thought should look to recover the illocutionary intentions of writers in order to recover what was meant in writing their texts.¹⁹

Skinner developed his arguments in an explicit critique of certain prevailing methods for the study of history and assumptions about the importance of the concept of perennial issues in the history of western thought.²⁰ In turn, Skinner's arguments have been viewed by many as

¹⁴ Skinner, *Visions of Politics I*, 88; R.G. Collingwood, *An Autobiography*, (London, Oxford University Press, 1939), 70.

¹⁵ Skinner, 'A Reply to my Critics', *Meaning & Context: Quentin Skinner and his Critics*, J. Tully (ed.), (Princeton, NJ: Princeton University Press, 198), 234.

¹⁶ Skinner, *Visions of Politics I*, 85.

¹⁷ Skinner, *Visions of Politics I*, 79.

¹⁸ Skinner, *Visions of Politics I*, 98; J. L. Austin, *How To Do Things With Words: The William James Lectures delivered in Harvard University 1955*, (ed.) J.O. Urmson & M. Sbisà, (Oxford: Clarendon Press, 1975).

¹⁹ Skinner, *Visions of Politics I*, 90-102. Skinner identifies three senses of meaning in response to Foucault and Barthes announcement of the death of the author and Derrida's argument that it is a mistake to think that we can unambiguously establish anything recognisable as the meaning of a text. Meaning₁ refers to, what words mean, or what words mean in a given text? Meaning₂ refers to, what a text means to the reader/ interpreter? Meaning₃ refers to, what the writer means by what he or she says in a given text? It is meaning₃ that Skinner argues the writers intention in writing is not only relevant, but equivalent to. While Skinner accepts Derrida's argument that it is essentially impossible to recover what Nietzsche meant by writing his "I have forgotten my umbrella," he argues that his well-chosen example does not mean that meanings cannot be recovered in other cases. Noting that "dogs often disclose by their responses that they are able to distinguish between an accidental and deliberate kick," he argues that Derrida can surely "at least rise to the same interpretative heights." Skinner, 'a Reply to my Critics', 281.

²⁰ Tully has usefully characterised Skinner's method of argument as having five steps which are best seen as ways of answering the following questions. 1. What is or was an author doing in writing a text in relation to other available texts which make up the ideological context? 2. What is or was an author doing in writing a text in relation to available and problematic political action which makes up the practical context? 3. How are ideologies to be identified and their formation, criticism and change surveyed and explained? 4. What is the relation between political ideology and political action which best explains the diffusion of certain ideologies and what effect does this have on

controversial and even divisive, sparking debate and attracting a number of criticisms. What follows is a discussion of the main aspects of both, with the purpose of laying out the relevant considerations that shape and inform the method used to recover the ideas of neighbourhood in Burke's and Paine's writings.

Skinner is very clear when considering the empiricist conception and method of history set out by Sir Geoffrey Elton: that there is no objective history out there in the world to be recovered. We will always have some present concern in mind that guides are project.²¹ In examining the work of Paine, this project has in mind his political and social writings, but Paine also ventured in to the world of engineering and science. Skinner's point is that in examining Paine's work, if we did not have some concern in mind we would have no means or need to differentiate within the range of Paine's eclectic writings and would simply produce an account of all that Paine wrote. It is not so much that Skinner is arguing against this type of history, although he is, but more that he is highlighting that it is not possible. Why have we selected Paine over his contemporary and interlocutor, Silias Deane? Why are we examining a writer from the eighteenth century over one from the fifteenth or twentieth century?²² It is because we have some present concern or interest to which Paine appears to say something about in his time. The problems on which the historians expend their energies reflect their own intellectual priorities, and it would be odd, Skinner argues, to suggest that they would conduct research according to what they thought were mistaken priorities and erroneous assumptions.²³ While we must remain aware that we will always be guided by our own concerns, if we are interested in recovering what past thinkers have said, our focus should be on their questions and concerns and not ours. Skinner makes clear that our primary task in examining the texts of past thinkers must be to "recover a very precise context of presumptions and other beliefs,"²⁴ so we can better understand what a particular writer intends to say – and do – in writing.

political behaviour? 5. What forms of political thought and action are involved in disseminating and conventionalizing ideological change? J. Tully, 'The Pen is a Mighty Sword: Quentin Skinner's Analysis of Politics', *Meaning & Context: Quentin Skinner and his Critics*, J. Tully (ed.), (Princeton, NJ: Princeton University Press, 1988), 7-8.

²¹ Skinner, *Visions of Politics I*, 21.

²² Skinner uses the example of an apprentice to Elton who in writing his dissertation on Chatsworth House, discovers that if he is to follow Elton all facts he might find are of equal interest. As such, he discovers that he is just as well making a list of everything that occurs for him to say, and that "he might as well be studying something else, perhaps anything else." Skinner, *Visions of Politics I*, 21.

²³ Skinner, *Visions of Politics I*, 42.

²⁴ Skinner, *Visions of Politics I*, 42.

A number of critics have attacked Skinner's 'intentionalist' thesis for ignoring any meaning of the text other than that which the author intended. So, for example, Welsh argues that Burke's texts can mean something to IR scholars today that he never intended or even contemplated.²⁵ Keane, drawing on Ricoeur's distinction between subjective and objective moments of meaning, argues that Skinner focuses entirely on the subjective moment found in the utterer's meaning, and so misses the "commonplace distinction between what authors intend to say and what their texts mean."²⁶ By doing this he ignores the later objective aspects of an utterance, which are autonomous of an author and preside over his intentions, such as "the formal structure of their discourse and their reception by readers."²⁷ Skinner argues that while he does "cleave" to the author, this is because he views it as indispensable to the interpretation of a text that we discover what the author may have meant. What he means by this is not, as his critics claim, that to understand a text we must focus on what the author intended to say over what the text itself might be said to mean. Rather, he is interested in what an author intended by making the utterance, by the performance of illocutionary acts.²⁸ Skinner is far from claiming that this is the only meaning a text may have and agrees that any text of complexity will contain far more than what an author intended.²⁹

The emphasis that Skinner's method places on the importance of context and authorial intentions has led him to be described as a relativist,³⁰ accused of robbing the history of political thought of its point, and rendering it "little more than a sterile celebration of intellectual

²⁵ J. Welsh, *Edmund Burke and International Relations*, (Oxford: St Martin's Press, 1995), esp. 15-18.

²⁶ J. Keane, 'More Theses on the Philosophy of History', *Meaning & Context: Quentin Skinner and his Critics*, J. Tully (ed.), (Princeton, NJ: Princeton University Press), 207.

²⁷ Keane, 'More Theses on the Philosophy of History', 206.

²⁸ Skinner, 'a Reply to my Critics', 268-70; One of the clearest example for Skinner is found in considering irony in statements. The concern when interpreting ironic statements is not with the meaning of what is said but what is intended in saying it.

²⁹ Femia, Keane and Welsh continue their critiques by arguing that texts have meaning beyond that intended by the author, emphasising that with historical texts new meaning will be continuously generated, giving text what they refer to as public meaning. Skinner argues that this focus on public meaning proves a very short step from abandoning authorial intention entirely which as he has argued is mistaken. He is careful to disentangle to lines of thought that are contained in these critiques. The first he points to is those people who are not interested in intentions because they are engaged in a different type of enquiry looking at the impact of texts on us or in the free play of signifiers. Skinner has no objection to this commitment, as it is not a historical enquiry and clearly does not wish to make claims about the history of political thought. The second is an argument that the focus on authorial intention is a mistake, and an inappropriate guide to the meaning of a text. While meanings other than those intended by an author clearly exists, it does not follow that the recovery of intentionality is irrelevant. To make this claim is to confuse two senses of intentionality. Keane, 'More Theses on the Philosophy of History', 211; Welsh, *Edmund Burke and International Relations*, 16-17; Femia, 'An Historicist Critique of 'Revisionist' Methods for Studying the History of Ideas', *Meaning & Context: Quentin Skinner and his Critics*, J. Tully (ed.), (Princeton, NJ: Princeton University Press, 1988), 158-63.

³⁰ M. Hollis, 'Say it with Flowers', *Meaning & Context: Quentin Skinner and his Critics*, J. Tully (ed.), (Princeton, NJ: Princeton University Press, 1988), 146; Skinner, 'A Reply to my Critics', 255.

pedigree.”³¹ The task of the historian, for many of his critics, is not merely to recover the past but also to make it “accessible to the present and to throw light on current problems.”³² Skinner’s approach, they argue, is so focused on recovering and understanding what an author was doing in writing a text in the context of their contemporary discourse that he leaves the historian with nothing but the “dullest antiquarian interest.”³³ This “atomized conception of history”³⁴ Cary Nederman argues, prevents Skinner from identifying long term historical processes, or traditions which can help us understand why the foundations of our political world such as the modern conception of the state came about.³⁵ Others have insisted that historical interpretation involves both the author and the interpreter; our contemporary concerns as well as our current ways of thinking speaking and writing are all considered vital for understanding the meaning of a text. In particular, Welsh argues that in a young discipline such as IR, for interpreters of writers such as Burke to be understood by their peers, they must draw on “*their* prevailing linguistic and academic universe” and so translate his arguments into their twentieth century IR vocabulary.³⁶

Skinner is not asking the historian to re-enact or re-create the experience of being an immigrant, ex-pirate, ex-stay-maker, or an Irishman member of the British Parliament in the eighteenth century. His method does ask that the “historical task be conceived as that of trying so far as possible to think as our ancestors thought and to see things their way.”³⁷ The starting point is that we should view what a writer says as being as rational as possible, and surround their statements of belief with the historical and intellectual context in which they were produced.³⁸ To see things their way requires us to recover the concepts they used, the distinctions they drew and

³¹ Femia, ‘An Historicist Critique of ‘Revisionist’ Methods for Studying the History of Ideas’, 158.

³² Welsh, *Edmund Burke and International Relations*, 15.

³³ Skinner, *Visions of Politics I*, 5; R. Lamb, ‘Feature Book Review Quentin Skinner’s ‘Post-modern’ History of Ideas’, *History*, 89, (2004), 424-33.

³⁴ C.J. Nederman, ‘Quentin Skinner’s State: Historical Method and Traditions of Discourse’, *Canadian Journal of Political Science*, 18/2, (1985), 339-52.

³⁵ Nederman, ‘Quentin Skinner’s State’.

³⁶ Welsh, *Edmund Burke and International Relations*, 15 (emphasis in the original).

³⁷ Skinner, *Visions of Politics I*, 47.

³⁸ Skinner make this argument about treating past writers as if they rationally held their beliefs, in response to Charles Taylor’s argument that Skinner wants to bracket off the truth value in considering past texts, something Taylor argues is not possible. (C. Taylor, ‘The Hermeneutics of Conflict’, *Meaning & Context: Quentin Skinner and his Critics*, J. Tully (ed.), (Princeton, NJ: Princeton University Press, 1988), 218-28.) Taylor’s main concern is whether the historian should take account of whether a belief held by a writer accords with our best current beliefs. Skinner’s response is to argue that there is a golden rule for the description and explanation of belief. “That, however bizarre the beliefs we are studying may seem to be, we must begin by trying to make the agents who accept them appear as rational as possible.” To do this he outlines three precepts 1. We must find out what they believe, and our best evidence of this is found in their texts. 2. We must initially at least take what they say at face value, no matter how bizarre their beliefs may appear to us. 3. We must surround their beliefs with an intellectual context adequate to support it. Skinner, *Visions of Politics I*, 40-2.

the chains of reasoning they followed to make sense of their world.³⁹ When looking at the idea of international relations, this means looking at the world and the relations between peoples, communities or states, in the way they were seen and thought about at the time. This does not require that we need to translate their ideas and concepts into our current vocabulary and conceptual toolkit; indeed such an endeavour is likely to distort the meaning of texts. As Skinner points out in reply to John Gunnell's contention that "to learn a new language is only possible because one already knows a language,"⁴⁰ such positions are made blatantly false by every infant's ability to learn a language in the first place. We should not assume that we can directly transfer terms from other languages, places or times to equivalents in our own.⁴¹ This should not stop us from developing an understanding of how these terms are used. Welsh's approach, which seeks to translate Burke's writings and arguments into our vocabulary so it can talk to the academic IR universe, seems the wrong way to approach a historic text. We cannot directly translate and treat as equivalent the relations between the city states of ancient Greece for Thucydides, the relations of eighteenth century European nations for Burke, and the relations we see between states and peoples today. But we can look at what writers in these other places and times said about these relations, and develop an understanding of how they operated and were thought about.

It is a mistake to think we can ask our questions of past thinkers, but this does not mean that we cannot identify, in past thinkers, concepts which they had no linguistic means to express.⁴² So just because the term international is a relatively new one, should not necessarily prevent us from using this term to discuss the concepts that writers have held regarding the relations of peoples. This, Skinner argues, is especially the case when we wish to place their beliefs in a wider historical pattern.⁴³ The mistake for Skinner is to suppose that there are fundamental concepts, or perennial issues to which all writers, or the great ones at least, are expected to contribute, or worse still that classic texts can be read as if written in and about our world.⁴⁴ So while with care we may be able to talk about international aspects of Machiavelli's writing, this does not mean

³⁹ Skinner, *Visions of Politics I*, 47.

⁴⁰ Quoted in Skinner, *Visions of Politics I*, 46; J. Gunnell, *Political Theory: Tradition and Interpretation*, (Cambridge, MA: Winthrop Publishers, 1979), 111.

⁴¹ Skinner highlights this argument with reference to the way the concept of *virtù* is employed by Machiavelli and his contemporaries. He point out that when Anglophone historians have attempted to find a translation for this term, a number of different sense are discovered. Skinner's argument is that we need to be open to the possibility that Machiavelli used the term with perfect consistency to refer to a concept alien to our moral thought. Skinner, *Visions of Politics I*, 48.

⁴² Skinner, *Visions of Politics I*, 49-50; G. Prudovsky, 'Can We Ascribe to Past Thinkers concepts They Had No Linguistic Means to Express?', *History and Theory*, 36/1, (1997), 15-31.

⁴³ Skinner, *Visions of Politics I*, 49.

⁴⁴ Skinner, *Visions of Politics I*, 57.

that his writings are directly relevant to international politics in our time or world. The value of past texts is not that they contribute to some issues that span all of human time, but rather by recovering what different peoples, at different times, have thought about their world we can better understand how and why we think about our world in the way we do. It is a far more interesting and useful enterprise to contemplate the different ways that people and communities have interacted and related, than to scour history for a few scattered examples that offer some resemblance to our current conception, and the perennial questions we derive from it.

One of the most persistent criticisms of Skinner's method concerns his central premise that there are no perennial problems in philosophy. There is a general opinion among Skinner's critics that there are some questions and problems which, when posed abstractly, can be seen to have parallels and correspondence among individuals separated in both space and time.⁴⁵ Robert Lamb focuses on a difference he sees between Collingwood's claim that there are no 'eternal' issues in philosophy, which is an ontological position, and Skinner's claim that there are no 'perennial' issues, which he argues is an empirical position.⁴⁶ Lamb's argument is mistaken. By using the term perennial and directly linking this to Collingwood's claim, Skinner is not only making Collingwood's point about eternal issues, but also highlighting the implications this has for the problems that people perceive to arise throughout history. Skinner's approach does not deny that there are "long continuities in western moral, social and political philosophy," or that this can be seen in the stable use of "key concepts and modes of argument."⁴⁷ He is arguing that the thought of Plato, Augustine, Hobbes and Marx, should not simply be laid out and compared. Likewise we are able to see continuities in how people and communities have related with one another, but we should not think we can directly compare the city-states of ancient Greece with the states of eighteenth century Europe or the nation-states that make up our current global system.

If we are to talk about the history of anything, be it political, scientific or international thought, we must have some idea of what we are looking for. It is only in virtue of family resemblances

⁴⁵ As Femia puts it while "ideas do not fall from heaven...surely, *some* problems are perennial, in the sense of always underlying thought about certain ranges of concrete particulars, and such problems do tend to recur as explicit focuses of concern." (emphasis in original) Femia, *An Historicist Critique of 'Revisionist' Methods for Studying the History of Ideas*, 164; Welsh, *Edmund Burke and International Relations*, 17; R. Lamb, 'Quentin Skinner's Revised historical Contextualism: a Critique', *History of Human Sciences*, 20/3, (2009), 51-73.

⁴⁶ Lamb, 'Quentin Skinner's Revised historical Contextualism', 59-61; D. Boucher, 'The Denial of Perennial Problems: The negative Side of Quentin Skinner's Theory', *Interpretation: A Journal of Political Philosophy*, 12/2 (1984), 295.

⁴⁷ Skinner, *Visions of Politics I*, 85.

that we can distinguish between and talk about different activities. We must always have criterion for determining what we are looking for. As Skinner highlights drawing on Allport, we are “‘set to perceive details in a certain way’, and when this frame of reference has been established, ‘the process is one of being *prepared* to perceive or react in a certain way’.”⁴⁸ The implication here is that there is a “perpetual danger” that our expectations of what people are saying or doing will lead us to develop an understanding of what they are doing which they may not or even could not have held. This is a danger which we can never fully escape. Our world will always impact on why and how we look at other times and other places. By being aware of this danger and attempting to recover the intentions writers had in producing their texts we can do our best to free our understanding of a text from our expectations. In producing these accounts we reveal not only something about the past, but also something about the choices and values embodied in our present ways of life.

Skinner identifies three persistent mythologies that account for the ways in which our current understanding of the world is projected on to accounts of classical thinkers. It is with these in mind that the thought of Burke and Paine is examined and their neighbourhood ideas are recovered.

1. a) Skinner argues that there is a tendency to convert scattered and incidental remarks into a coherent doctrine. This is the first instance of what he calls the “mythology of doctrines.”⁴⁹ This study of Burke and Paine demonstrates that not only are neighbourhood ideas present throughout their writings, but also that the ‘international’ aspects of their thought suffuse their arguments and are not scattered or at the ‘margins of their activities’.⁵⁰

b) In the second instance of “mythology of doctrines,” Skinner questions the approach that seeks to study the morphology of a given doctrine through the provinces of history. This approach he argues, in searching for signs of the development, appearance and reappearance of an idea, looks only for fragments which contain this doctrine.⁵¹ I do not seek to place Burke and Paine in a tradition of neighbourhood thought, rather I have adopted the term from their

⁴⁸ Skinner, *Visions of Politics I*, 58; quoting F. H. Allport, *Theories of Perception and the Concept of Structure*, (New York: Wiley, 1955).

⁴⁹ Divided here into three parts. Skinner, *Visions of Politics I*, 59-60.

⁵⁰ M. Wight, ‘Why is there no International Theory?’, in *Diplomatic Investigations: Essays in the Theory of International Politics*, (ed.) H. Butterfield & M. Wight (London: George Allen & Unwin Ltd, 1966), 19-20.

⁵¹ Skinner, *Visions of Politics I*, 62; The main focus of Skinner’s argument here is Arthur Lovejoy’s ‘unit idea’ approach.

respective writings and used it to highlight common aspects of the way they both saw the world. While their ideas of neighbourhood are built upon earlier ideas and concepts, the purpose here is to explore how they saw their world.

c) In the third instance of the “mythology of doctrines,” past thinkers who do not produce a recognisable doctrine on what is perceived to be a mandatory field, are faulted for their error and oversight. This can result in a doctrine which it is perceived a thinker ought to have mentioned, but failed to address, being supplied to them and their contribution extrapolated from what they said on other subjects. The other result is that the thinker is characterised as incompetent or their arguments incomplete for not addressing a particular subject.⁵² I make no claim that Burke and Paine must address international relations; rather I seek to highlight that it is something they were intimately concerned with. If it were to be insisted that thought concerning international relations can only be theorising about a separate sphere of activity, then I would hold that neither Burke nor Paine can be considered as being concerned with international relations, and the commendable work done by Wight, Welsh and Walker on Burke and Paine in IR must be deemed mistaken.

2. Where classical writers are not all together consistent or do not provide a systematic account of their beliefs, it can become tempting for the historian to see their task as supplying coherence where it appears to be lacking. This “mythology of coherence” is a problem exacerbated for Skinner by the difficulty of paraphrasing and the temptation to find a message that can be abstracted from their thought.⁵³ Neither Burke nor Paine provide a systematic account of their thought; rather they were men very much engaged in particular political activities and had particular purposes when writing. The intention here is to examine what they were saying and why they were saying it. There are also areas of their writings where they are not entirely consistent and a number of points where they change their minds. Paine, for example, clearly shifted from his outright support for popular sovereignty, later coming to highlight the danger of what he called the “despotism of numbers.”⁵⁴ I do not claim that Burke and Paine set out a theory of neighbourhood which they consistently argued throughout their lives; rather I seek to highlight an aspect of their thought that is clearly evident in their earliest writings onwards and became fully expressed in their later writings. Far from being an idea abstracted from their

⁵² Skinner, *Visions of Politics I*, 64-5.

⁵³ Skinner, *Visions of Politics I*, 67.

⁵⁴ J. Keane, *Tom Paine: A Political Biography*, (Boston: Little Brown and Company, 1995), 260.

thought, this view of the world helps to explain the positions that both writers took, often to the consternation of their contemporaries.

3. For Skinner, there is a tendency for some historians to mistake historical significance for authorial intent, which he calls the “mythology of prolepsis.”⁵⁵ For example, Skinner highlights Locke’s writings as having had great historical significance in the foundations of modern empirical and liberal schools of political thought, but it cannot be said that Locke was a ‘liberal’ political theorist, and it is a mistake to read his work as if he was contributing to such a body of thought.⁵⁶ The arguments of both Machiavelli and Hobbes have had great significance in shaping IR theory, but it cannot rightly be said that either was an IR theorist or intended to contribute to such an argument. The purpose here is not to establish Burke and Paine as forgotten theorists of IR. They could not be. Neither is it to view them as founding figures or significant contributors to some new tradition of international thought.

These mythologies highlight well the pitfalls into which the historian of political thought can easily slip. It is, though, worth bearing in mind the concern Boucher raises about what he calls the ‘negative side’ of Skinner’s argument: that in identifying these mythologies in the work of historians, he exaggerates the deficiencies in the prevalent methods and abstracts from “fuller richer arguments in order to knock them down and declare oneself the winner.”⁵⁷ Skinner does, for example, arguably portray a sharper distinction between textualist and contextualist approaches than appear in some of the writers he engages with.⁵⁸ The fact that writers do not conform strictly to the archetypes Skinner outlines does not refute the criticism that these writers engage in the kind of mythologizing Skinner identifies. Perhaps the most testing of the critiques levelled against Skinner is that he himself slips in places into the edges of these pitfalls.⁵⁹ While many of these accusations stem from a misunderstanding of Skinner’s method,⁶⁰ it raises the question of whether we can ever completely avoid aspects of myth in the histories we write. It seems to me, for example, that Skinner’s focus on the foundations, formation and development

⁵⁵ Skinner, *Visions of Politics I*, 72-3.

⁵⁶ Skinner, *Visions of Politics I*, 73-4.

⁵⁷ Boucher, ‘The Denial of Perennial Problems’.

⁵⁸ Boucher highlights writers like Phyllis Doyle and Sheldon Wolin as typical examples of writers who stress the historicity of a text but still view the history of political thought in terms of perennial questions. Boucher, ‘The Denial of Perennial Problems’, 293.

⁵⁹ See for example: Boucher, ‘The Denial of perennial problems’; Lamb, ‘Quentin Skinner’s Revised historical; Keane, ‘More Theses on the Philosophy of History’.

⁶⁰ This is a central complaint Skinner makes in ‘A Reply to My Critics’ and throughout *Visions of Politics*. Skinner, ‘A Reply to my Critics’, 231-88; Skinner, *Visions of Politics I*.

of the “modern concept of the state” is one that is rooted in an understanding of the study of politics that is focused on and prioritises the experience of living in states.⁶¹

II

In examining Burke and Paine writings, it is the inclination to ask our questions, and the temptation to try and translate their arguments into our vocabulary and conceptual world that has most affected the engagement with their thought from an international perspective. Indeed, as will become clear, it is in part the very notion that we can operate from such a perspective that Burke’s and Paine’s arguments bring into question.

The engagement with Paine’s writings in IR has been very limited. While writers such as Howard,⁶² Fitzsimons⁶³, Jahn⁶⁴ and Walker⁶⁵ engage with Paine’s thought, they do so for particular limited purposes. All of these writers emphasise the importance and prominence that Paine writings had at the time he wrote, but make the argument that what he says has clear relevance to the way we think about the world today. While I would agree that Paine can offer us interesting and important insights, we must be careful not to read writers such as Paine as if they are talking directly about our world and not to impose our images and understanding of the world on to his arguments.

Fitzsimons casts Paine as an idealistic internationalist in order to use Paine to contribute to an on-going debate about early American foreign relations.⁶⁶ In his account of early American foreign policy Fitzsimons uses Paine to good effect, but his suggestion that the European Union

⁶¹ Q. Skinner, *The Foundations of Modern Political Thought: Volume One The Renaissance*, (Cambridge: Cambridge University Press, 1978) ix; Q. Skinner, *The Foundations of Modern Political Thought: Volume Two The Age of Reformation*, (Cambridge: Cambridge University Press, 1978).

⁶² M. Howard, *War and the Liberal Conscience*, (London: Maurice Temple Smith Ltd, 1978), 29.

⁶³ D. M. Fitzsimons, ‘Tom Paine’s New World Order: Idealistic Internationalism in the Ideology of Early American Foreign Relations’, *Diplomatic History*, 19/4, (Blackwell Publishers, 2007).

⁶⁴ B. Jahn, *The Cultural Construction of International Relations: the Invention of the State of Nature*, (Basingstoke: Palgrave Macmillan, 2000).

⁶⁵ T. Walker, ‘The Forgotten Prophet: Tom Paine’s Cosmopolitanism and International Relations’, *International Studies Quarterly*, 44/1, (Blackwell Publishers, 2000); T. Walker, ‘Two Faces of Liberalism: Kant, Paine and the Question of Intervention’, *International Studies Quarterly*, 52/3, (Blackwell Publishers, 2008).

⁶⁶ Fitzsimons, ‘Tom Paine’s New World Order’; Fitzsimons was contributing to the on-going debate between Felix Gilbert—who argued that the founders following the philosophes hoped their revolution would lead to a reformation of the world—and James Hudson—who argued the founders opposed foreign commerce and were mainly concerned with the preservation of the American republic. F. Gilbert, *To the Farewell Address: Ideas of Early American Foreign Policy*, (Princeton: Princeton University Press, 1961); J.H. Hutson, ‘Intellectual Foundations of Early American Diplomacy’, *Diplomatic History*, 1, (Blackwell Publishers, 1977), 1-19.

and United Nations are founded upon the “Painite ideal of abstract and universal human rights” misunderstands Paine’s concept of rights and draws a direct connection that has no foundation. When Paine talked about establishing another mode for settling the differences that arise in the neighbourhood of nations, his concern was with highlighting the mutually constitutive nature of people and communities in such close proximity.⁶⁷ Similarly, Howard’s claim that no liberal or socialist writer has been able to provide more than an echo of Paine’s analysis of foreign policy, assumes an unproblematic continuity from Paine to later thinkers which does not stand up.⁶⁸ Howard is right to highlight the importance of Paine’s critique of the old European system of government that was maintained, for Paine, through perpetual war and also that Paine saw the effect of commerce as providing a way out of this system. However, Howard mistakenly assumes that Paine thought about the world in the same way as we do now and in the same way as Kant did in his time.⁶⁹

Walker is quite clear that Paine’s cosmopolitanism or revolutionary liberalism differentiate him from some of his prominent contemporaries, most notably Kant, who he describes as an evolutionary liberal.⁷⁰ Walker makes clear the neglect of Paine within IR literature, noting that on the rare occasion Paine is mentioned, the uses of Paine have been brief, and in places quite curious.⁷¹ He argues that Paine’s arguments have not been considered within IR for two main reasons. First, his arguments do not fit with the dominant approaches to the discipline, and secondly, Paine’s thought is diverse and difficult to categorise. For Walker, Paine is clearly a figure of importance in the politics and international relations of his own time and a thinker whose arguments can offer insight into the problems and debates of IR today. This leads Walker to approach Paine’s writings with the view that he was the “first to offer an integrated, modern, cosmopolitan vision of international relations”⁷² and in doing so assumes that Paine can be taken as speaking directly to our world and our problems.⁷³ Walker reads Paine through the lens of

⁶⁷ T. Paine, ‘Rights of Man: Part First’ [1791], *The Complete Writings of Thomas Paine*: Volume I, (ed.) P.S. Foner (New York: Citadel Press, 1945), 247; Paine, ‘American Crisis VII’ [21 November 1778], *Complete Writings I*, 146-7.

⁶⁸ Howard, *War and the Liberal Conscience*, 29.

⁶⁹ Howard, *War and the Liberal Conscience*, 29-32.

⁷⁰ T. Walker, ‘Two Faces of Liberalism’.

⁷¹ He highlights that Waltz references Paine in *Man, State and War* as arguing that if all states were democratic “the cause of War would be taken away” only to then in the next sentence to attribute the idea of democratic peace to Kant, who as Walker points out made his argument after Paine. T. Walker, ‘The Forgotten Prophet’, 55.

⁷² Walker, ‘The Forgotten Prophet’, 51.

⁷³ For instance, in *Forgotten Prophet* Walker unproblematically talks of Paine as advocating democracy, when Paine was always quite clear that he favoured representative republics. While there are very strong parallels between our modern conceptions of democracy and Paine’s ideas about government, to assume that they are one and the same or that Paine is talking directly to our concerns is a mistake. This is something that Walker seems to have come to

contemporary IR and highlights where Paine's arguments might contribute to current debates, however in taking this approach Walker fails to ask how Paine conceived of the world. For example, in seeing Paine's opposition to European national attachment and statements like "my attachment is to all the world, and not to a particular part" as meaning that Paine starts from an idea of the world as being composed of autonomous individuals, he mistakes the conclusions of Paine's arguments for their foundations.⁷⁴ For Paine, man is a social being and he comes to know the world and possess rights due to his interactions and connections with others.⁷⁵ As such, when a person acts towards another they will always in some part be acting towards themselves. It is this idea of neighbourhood that is so important to his arguments and is overlooked by writers like Walker when they impose our current conceptions and values on the interpretation of past texts. While Paine rejected European national attachment, he argued in favour of attachment to nations established on proper republican grounds, because it is through this attachment that people can experience and form other attachments with the world. Walker imposes a distinction between individual and international that does not exist in Paine's thought, and in doing so misses some of the most relevant and interesting aspects of Paine thinking.

Jahn uses Paine in her arguments about the use of the state of nature in the construction of the international in western political thought.⁷⁶ Her use of Paine, while limited, is by far the most sophisticated of any IR engagement, as she places his arguments in the context in which he wrote. Paine, like many of his Enlightenment contemporaries, uses and to an extent manipulates state of nature imagery and rhetorical conventions to convey his argument to both men of letters and the working men of America and Europe. In addressing Paine's use of state of nature conventions, Jahn assumes a state of nature position in Paine's thought stating that "in the state of nature government did not exist" for Paine.⁷⁷ A fuller appreciation of Paine's arguments reveals that when he talks of "savage uncivilised life" or "original rudeness of nature" this is not an earlier stage of human existence or development, but rather a fictional or hypothetical condition created for the purposes of keeping peoples suppressed. This individualist conception of people, which Walker also attributed to Paine, is the product of the corruption of society, and so for Paine needs to be overcome, not embraced. While Paine is clear that the kind of government wrought by kings is not of nature, government is as necessary for him as society,

realise, making clear Paine's actual use of the terms in *Two Faces of Liberalism*. Walker, "The Forgotten Prophet", 52; Walker, *Two Faces of Liberalism*, 451.

⁷⁴ Walker, *Two Faces of Liberalism*, 457.

⁷⁵ Paine, 'Common Sense', *Complete Writings I*, 19-20; Paine, 'Rights of Man: Part First', 275-6.

⁷⁶ Jahn, *The Cultural Construction of International Relations*, 132-49.

⁷⁷ Jahn, *The Cultural Construction of International Relations*, 138.

and people, for Paine, does not exist outside of society.⁷⁸ It is this aspect of Paine's thinking that is central to his ideas of neighbourhood and the way he thought people and communities are related to each other.

The problem at the root of much of IR's engagement with Burke's writings is highlighted by Wight's belief that Burke is "the only political philosopher who has turned wholly from political theory to international theory."⁷⁹ If Burke really was this figure he would not only appear more prominently in IR literature, but should sit at the heart of any disciplinary study as a founding father. Burke cannot be such a figure because, as Vincent identifies, he did not recognise a distinction between domestic and international politics.⁸⁰ Indeed, contrary to Wight's claim, Burke's arguments appear to actively oppose the moves being made in his time towards such a division. While other writers like Vincent⁸¹, Boucher⁸² Fidler and particularly Welsh⁸³ have been drawn to the 'international' aspects of Burke's writings, they have all attempted to place our concepts and vocabulary on his thought and so have failed to recover some of the most important 'international' aspects of his arguments.

For Wright, Burke is one of the main influences and examples of his tradition of rationalist international thought. He describes him as a figure marching sturdily along a middle road with some erratic movements between realism and revolutionism.⁸⁴ Wight unproblematically casts Burke as talking directly about a separate sphere of state relations, and suggests that his arguments are directly applicable to our world. In using Burke to support his distinction between political theory – concerning the good life and a realm of progress – and international theory – concerning survival and a realm of recurrence and repetition – he implies a parallel between the physical autonomy of people and the autonomy of states or commonwealths as "moral essences" which Burke explicitly rejects. Unlike physical beings which are "subject to laws universal and invariable," Burke argues, "moral essences" are "in their proximate efficient cause, the arbitrary

⁷⁸ Paine, 'Common Sense', 4-5.

⁷⁹ Wight, 'Why is there no International Theory?', 20.

⁸⁰ J. Vincent, 'Edmund Burke and the Theory of International Relations', *Review of International Studies*, 10/3, (Cambridge: Cambridge University Press, 1984), 205-18.

⁸¹ Vincent, 'Edmund Burke and the Theory of International Relations'.

⁸² D. Boucher, 'The Character of the History of the Philosophy of International Relations and the Case of Edmund Burke', *Review of International Studies*, 17/2, (Cambridge: Cambridge University Press, 1991), 127-148; D. Boucher, *Political Theories of International Relations*, (Oxford: Oxford University Press, 1998), 308-329.

⁸³ Welsh, *Edmund Burke and International Relations*; Fidler & Welsh, *Empire and Community*.

⁸⁴ M. Wight, *International Theory: The Three Traditions*, (Leicester: Leicester University Press, 1991), 15.

productions of the human mind,” artificial combinations subject to laws of human creation.⁸⁵ While Wight is correct in highlighting Burke’s assertion that “foreign causes” are less difficult to trace and identify than the “internal causes” that affect the fortune of a state, this does not mean, as he infers, that Burke sees a separate international realm. Burke, in the opening passages of *First letter on a Regicide Peace*, talks about the effect of ‘revolutionary’ France on Britain, and so when using the term ‘foreign’, he is not simply referring to the effect of another nation, but a different social and political system. He is not referring to all or even most of the relations between France and Britain, and to assume that this is the extent of international relations for Burke would be a serious mistake. While Britain, as a commonwealth, is a moral essence, as he later makes clear, so is the neighbourhood or commonwealth of Europe. The ‘internal causes’ that affect the fortunes of European society’s parochial parts and their relations with one another, are as complex and obscure as those viewed solely within a state. Burke’s use of the word ‘foreign’ does not imply that which Wight infers, and as such Wight misses the full importance of what Burke is saying.

Similarly, Boucher’s assertion that Burke sees states as unitary actors and that there is “no question in Burke’s mind that the international system is state based”⁸⁶ must be questioned. Central to the ideas of neighbourhood in Burke’s thought is the understanding that no person, nor any communities or nations he is part of, is ever a perfect master on their own ground. While Boucher is correct in highlighting the individuality of nations, this does not, for Burke, entail the autonomy necessary to talk of unitary actors in an international system. While it may seem at times that such actors exist, politics for Burke are more complex and to talk of such an international system is to apply a level of abstraction that he rejects.

Vincent seems to recognise this aspect of Burke’s thought when he makes clear, at the start of his engagement with Burke from an international perspective, that Burke rejects “international relations—or what he called the external relations of states—as a discrete enterprise, whether considered practically or intellectually.”⁸⁷ Vincent importantly argues that the only way to consider Burke as extending his thought to international politics is “if international politics is treated as a branch of all politics.”⁸⁸ While Vincent is right to highlight that international politics

⁸⁵ E. Burke, ‘First Letter on a Regicide Peace’ [1795], *The Writings and Speeches of Edmund Burke Volume IX*, ed. W.B. Todd, (Oxford: Clarendon Press, 1990), 188-9.

⁸⁶ Boucher, *Political Theories of International Relations*, 319.

⁸⁷ Vincent, ‘Edmund Burke and the Theory of International Relations’, 206.

⁸⁸ Vincent, ‘Edmund Burke and the Theory of International Relations’, 205.

is for Burke simply part of politics, he is wrong to suggest that there is some sort of choice in engaging with the aspect of his thought, as to do so would be to ignore an important part of his system of thought. Similarly, to leave open a choice for those concerned with international politics to ignore prominent writers like Burke, because they do not treat it as a discrete enterprise, is to ignore an important branch of thinking about the world simply because it is inconvenient and complex. Where Vincent's account of Burke is limited is in his approach, which seeks not to ask how Burke thought about 'international' politics in his time, but rather to ask what we can take from Burke's general political theory through the prism of contemporary IR theories.⁸⁹ In particular, Vincent is keen to read Burke's thought as contributing to Wight's rationalist or Grotian tradition of international theory. The effect of this is that while Vincent highlights some important parts of Burke's thought, his analysis and understanding of Burke's arguments, and of the wider insights it might offer as to how we think about 'international' aspects of politics, is limited.

The most extensive engagement with Burke's thought from an international perspective is Welsh's *Edmund Burke and International Relations*, and her selection of Burke's writings, which she co-edited with Fidler, *Empire and Community*. Welsh, in a similar vein to Vincent, is interested in what can be taken from Burke to add to current international theories and debates. Building on Wight's three traditions, Welsh seeks to highlight the areas of Burke's arguments that appear to contribute directly to the traditions of international thought.⁹⁰ In a number of places this leads her to construct an account of Burke's IR positions not through his words, but through those IR theorists with which she sees some similarity.⁹¹ Welsh's and Fidler's approach to Burke centre on asking how he dealt with the "classic and perennial issues of international relations: war, trade, international law, and the balance of power."⁹² In doing this they seek to understand Burke's writings and arguments through a view of the social and political world which he did not hold and they apply his arguments directly to questions with which he was not concerned. Welsh's and Fidler's approach is developed in light of the mistaken view that the implication of Skinner's arguments means that "Burke and other classical thinkers having nothing to add current debates about theory and practice in international relations."⁹³ Contrary to what they assert, it is not the case that in acknowledging that classical thinkers like Burke were not concerned with our world,

⁸⁹ Vincent, 'Edmund Burke and the Theory of International Relations', 206.

⁹⁰ Welsh, *Edmund Burke and International Relations*, esp. 27, 32, 160, 173.

⁹¹ A clear example of this can be seen in: Welsh, *Edmund Burke and International Relations*, 45-6.

⁹² Fidler & Welsh, *Empire and Community*, 37.

⁹³ Fidler & Welsh, *Empire and Community*, 37; Welsh, *Edmund Burke and International Relations*, 12-9.

we must accept that that these thinkers have nothing to add to current debates. By adopting this presentist view writers like Welsh have failed to ask how classical thinkers thought about and suggested dealing with relations among people and communities. Welsh's treatment of Burke's thought is in many regards very sensitive and extremely insightful, but in bringing Burke's writings to bear on contemporary IR, she imposes a domestic-international distinction and an image of international politics and the world on Burke's thought that he did not accept.⁹⁴ In doing this Welsh misses some of the most interesting aspects of his 'international' thought: that it offers us an alternative way of considering the relations of people and communities, and provides insight into assumptions and values embodied in our present way of life.

The idea of neighbourhood in Burke's arguments and its relevance for IR, is touched upon by a number of writers, but all fall short of fully appreciating the implications and importance of this idea in the context of his wider writings and for thinking about 'international' politics. Neighbourhood is seen primarily as contributing to debates surrounding intervention. Welsh lists the law of the neighbourhood as the third of Burke's three theoretical arguments used to justify intervention.⁹⁵ Boucher emphasises how the law of the neighbourhood not only justifies war, but also interference in other states' internal affairs, by applying a principle pertaining to individual's property from the sphere of individuals to the sphere of states.⁹⁶ Vincent importantly highlights the significance of connectedness and interdependence to Burke's idea of neighbourhood, and like Welsh and Boucher makes clear the importance of shared religion, customs, law and manners in making Europe, for Burke, "virtually one great state." While Vincent, too, primarily focuses on the law of the neighbourhood as contributing to debates and theories of intervention, he hints at its deeper significance for Burke's thought, but appears not to have followed it up. Wight employs Burke's notion of neighbourhood to highlight the distinction between the realist view of vicinity, demonstrated through Hamilton, as precipitating conflict and a rationalist view which while not denying the realist critique, sees vicinity as creating the bonds of community and the interdependence of rights and duties.⁹⁷ Wight's focus is on highlighting the difference between the theories of war in his three traditions, however in employing Burke's idea of

⁹⁴ Welsh touches upon this but, does not incorporate it into her account: "Foreign politics are "foreign only in name; for they are not only connected with our domestic Politics, but the domestic Politics are actually included in them."" Welsh, *Edmund Burke and International Relations*, 104, see also 29, 38-9, 49, 87; E. Burke, 'Letter to Lord Loughborough' [28 November 1792], *The Correspondence of Edmund Burke Volume VII*, (London: Cambridge University Press), 305.

⁹⁵ Welsh, *Edmund Burke and International Relations*, 128, 133-5.

⁹⁶ Boucher, 'The Character of the History of the Philosophy of International Relations and the Case of Edmund Burke', 143-4.

⁹⁷ Wight, *International Theory*, 211-2.

neighbourhood he indicates that something much more significant is at work in Burke's thought. Wight highlights that in Burke's discussion of vicinity he is "endeavouring to describe the moral nature of things," this is more than simply a discussion of war and conflict or even the relations of states. Wight concludes his analysis by noting that in talking of neighbourhood Burke is "in fact, speaking ontologically."⁹⁸ It is this observation, left hanging by Wight, without any follow up that provides the best indication for why the study of Burke should be considered important in the study of international politics, but also why it has not been. Burke's and Paine's political theories have ontological foundations, seen clearly in the idea of neighbourhood, that are not individual people or states, and so do not fit easily with the paradigmatic study of international relations.

III

While many writing within IR have drawn on classical political thinkers, there has been a continued sense that there is a neglected and underappreciated history of international political thought.⁹⁹ Though this perception lingers, the last twenty years have seen an increasing number of scholars attempt to address this neglect by identifying the 'international' aspects of the history of political thought.¹⁰⁰ However, this impetus is still firmly rooted in understanding humans as essentially individual beings, an assumption that became dominant in the seventeenth and eighteenth centuries, and the bifurcation of politics into domestic and international realms of concern, which became established in the nineteenth century.

The image of humans as essentially individual beings can be clearly seen in the development of the Hobbesian idea of men as naturally isolated, solitary beings and the Lockean argument that "Man has a *Property* in his own *Person*" that "no Body has any Right to but Himself."¹⁰¹ The

⁹⁸ Wight, *International Theory*, 211.

⁹⁹ M. Wight, 'Why is there no International Theory?'; Keene, *International Political Thought*, 1-3.

¹⁰⁰ M. Donelan, *Elements of International Political Theory*, (Oxford: Clarendon Press, 1990); H. Williams, *International Relations in Political Theory*, (Milton Keynes: Open University Press, 1992); T. Knutsen, *A History of International Relations Theory*, (Manchester: Manchester University Press, 1997); K. Thompson, *Fathers of International Thought: The legacies of Political Theory*, (Baton Rouge: Louisiana State University Press, 1994); M. Doyle, *Ways of War and Peace: Realism Liberalism and Socialism*, (New York: W.W. Norton, 1997); D. Boucher, *Political Theories of International Relations*, (Oxford: Oxford University Press, 1999); Brown et al, *International Relations in Political Thought*; Keane, *International Political Thought*; Jahn, 'Classical Theory in International Relations'; H. Behr, *A History of International Political Theory: Ontologies of the International*, (New York : Palgrave Macmillan, 2010).

¹⁰¹ J. Locke, 'The Second Treatise of Government: An Essay concerning the True Original, Extent, and End of Civil Government' [1698], *Two Treatise of Government*, (ed.) P. Laslett, (Cambridge: Cambridge University Press, 1988), 287;

conception of people as naturally isolated, solitary, autonomous beings has been accompanied by the idea of states as artificial persons. This is a concept of personified states which, Skinner argues, has been “at the heart of political self-understanding and practice of the modern west”¹⁰² since the seventeenth century. What we have here is an image of the world of human action and an understanding of politics premised on the relations between us and them, between those inside and those outside the limits of the community, between who we are and those different others.¹⁰³ This image was developed in the arguments of thinkers such as Rousseau, Bentham, Kant and Hegel, who, in this ‘Sattelzeit’ period,¹⁰⁴ moved certain political concerns into a separate realm above the state, which we have, after Bentham, come to know as international.¹⁰⁵ In the twentieth century this bifurcation led to the development of separate disciplinary studies of Politics, concerning life within the state, and International Relations, concerning the interaction of states and life outside the state. The problem this leaves for those interested in studying and talking about the history of international political thought is that the notion of a distinct realm of international concern has only been established for around 200 years and has been the subject of a disciplinary study for at most 150.¹⁰⁶

It is no coincidence, then, that so many accounts of politics and especially international relations use the end of the eighteenth century to the beginning of the post Napoleonic period as a starting or key transition point.¹⁰⁷ Political philosophers such as Michael Oakeshott have clearly

T. Hobbes, *Leviathan, or the Matter, Forme, & Power of a Common-Wealth Ecclesiastical and Civill* [1651], (ed.) C.B. MacPherson, (London: Penguin Books, 1985), 186; See also C.B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (Oxford: Oxford University Press, 1962); Q. Skinner, *Visions of Politics: Volume III Hobbes and Civil Science*, (Cambridge: Cambridge University Press, 2002), esp. 177-208, 209-37.

¹⁰² Skinner, *Liberty Before Liberalism*, 109.

¹⁰³ A central feature of IR thought. See: C. Brown, *Sovereignty, Rights and Justice: International Political Theory*, (Cambridge: Polity Press, 2007), 2; R.B.J. Walker, *Inside/Outside: International Relations as Political Theory*, (Cambridge: Cambridge University Press, 1993).

¹⁰⁴ R. Koselleck, *Crisis and Critique: Enlightenment and the Pathogenesis of Modern Society*, (Cambridge MA: MIT Press).

¹⁰⁵ See for Bentham: G. Hoogensen, *International Relations, Security and Jeremy Bentham*, (Abingdon: Routledge, 2005); F.H. Hinsley, *Power and the Pursuit of Peace*, (Cambridge: Cambridge University Press, 1963). For Rousseau: Hinsley, *Power and the Pursuit of Peace*; I. Clark, *Reform and Resistance in the International Order*, (Cambridge: Cambridge University Press, 1981); Waltz, *Man, the State and War*; M. Williams, ‘Rousseau, Realism and Realpolitik’, *Millennium*, 18/2, (Sage, 1989), 185-203. For Kant: I. Kant ‘Perpetual Peace: A Philosophical Essay’ [1795], in *Kant: Political Writings*, ed. H. Reiss, Trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991); G. Cavallar, *Kant and the Theory and Practice of International Right*, (Cardiff: University of Wales Press, 1999); A. Hurrel, ‘Kant and the Kantian Paradigm in International Relations’, *Review of International Studies*, 16/3, (Cambridge: Cambridge University Press, 1990). For Hegel: G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. A. W. Wood, trans. H. B. Nesbit (Cambridge: Cambridge University Press, 1991) esp. §257- 258, § 321-3, § 330-1; S. B. Smith ‘Hegel’s Views on War, the State, and International Relations’, *The American Political Science Review*, 77/3, (1983), 624-32; A. Peperzak, ‘Hegel Contra Hegel in His Philosophy of Right: The Contradiction of International Politics’, *Journal of the History of Philosophy*, 34/2, (1994), 241-63.

¹⁰⁶ B. Schmidt, *The Political Discourse of Anarchy*, (Albany: State University of New York Press, 1998), Ch 2.

¹⁰⁷ For example in Politics see: M. Oakeshott, *The Social and Political Doctrines of Contemporary Europe*, (Cambridge: Cambridge University Press, 1939), 1; S.R.L. Clark, *Civil Peace and Sacred Order: Limits and Renewals I*, (Oxford:

defined “Modern European political theory” dating from the beginning of the nineteenth century, as being concerned with the “experience of living in a ‘state’”¹⁰⁸ and concerning the “age of self-conscious communities.”¹⁰⁹ Nick Rengger and Stephen Clark highlight the impact of this view of politics when they argue that for “at least the last 150 years” political philosophers have concentrated on the problems of perfecting the civil association and questions that can be “safely be corralled” within the boundaries of the nation-state, and have largely left the questions of relations between communities alone.¹¹⁰ Rengger argues that, while it may be a mistaken view, it has been widely held that the problem of order within communities has been resolved through the institution of the nation-state, but the consequence of this is that the problem of order at the “international level” between multiple diverse communities becomes inescapable.¹¹¹ While strong parallels between the development of political theory and international theory are evident, Molly Cochran highlights that while IR is concerned with the moral relevance of states, Political Theory often takes the institution of the state “for granted as the forum in which ideas of the good polity are to be worked out.”¹¹² It is this view of politics and political theory as the tradition of thought from Plato onwards, speculating about the state and the pursuit of the good life, that lead Wight to lament that there is no international theory.¹¹³

The notion that politics and society are divided into ‘domestic’ and ‘international’ realms or concerns, has become an assumption shaping not only the values and practices embodied in our present ways of life, but also the very way we conceive and perceive the world around us. The domestic-international bifurcation is a lens through which we are set to view and interpret

Clarendon Press, 1989), 97; B. Russell, *History of Western Philosophy*, (London: Routledge: 1961) 653; G. C. Field, *Political Theory*, (London: Methuen & Co. Ltd); I. Hont, ‘The Permanent Crisis of a Divided Mankind: “Nation-State” and “Nationalism” in Historical Perspective’, in *Jealousy of Trade*, (Cambridge, MA: Belknap Press, 2005), 447-528. In *International Relations*: A. Osiander, ‘Sovereignty, International Relations and the Westphalian Myth’, *International Organisation*, 55/2 (Cambridge: Cambridge University Press, 2001); Suganami, *The Domestic Analogy and World Order Proposals*; I. Clark, *The Hierarchy of States*, (Cambridge, Cambridge University Press, 1989); W.C. Olson & A.J.R. Groom, *International Relations Then & Now: Origins and Trends in Interpretation*, (London: HarperCollins, 1991), 1; M. Bukovansky, *Legitimacy and Power Politics: The American and French Revolutions in International Political Culture*, (Princeton: Princeton University Press, 2002).

See also H.L.A. Hart, *The Concept of Law*, (Oxford: Clarendon Press, 1961), esp. 1, 209.

¹⁰⁸ M. Oakeshott, *Lectures in the History of Political Thought*, (Exeter: Imprint Academic, 2004), 397.

¹⁰⁹ M. Oakeshott, *The Social and Political Doctrines of Contemporary Europe*, (Cambridge: Cambridge University Press, 1939), 1.

¹¹⁰ N. Rengger, *International Relations, Political Theory and the Problem of Order: Beyond International Relations Theory?*, (London: Routledge, 2000), 3; Clark, *Civil Peace and Sacred Order*, 96-7.

¹¹¹ N. Rengger, *International Relations, Political Theory and the Problem of Order*, 2-4.

¹¹² Cochran, *Normative Theory in International Relations*, 10.

¹¹³ Wight describes international theory as a “corresponding tradition of enquiry about the relations between states, the problems of obligations that arise in the absence as distinct from the presence of government, the nature of the community of which states are members, and the principles of foreign policy,” and characterised as the theory of survival. M. Wight, *International Theory*, 1; Wight, ‘Why is there no International Theory?’, esp. 17, 33.

relations that occur in the world, understand the social and political orders created and are prepared to react to the world in certain ways. The bifurcated understanding of politics is not though, as Martin Wight's lament highlights, historically a feature of political thought.¹¹⁴ Rather, it developed out of the debates and events of the Enlightenment period that led many to argue the "true purpose of the science called politics is to perfect the interior of the state."¹¹⁵ This move to prioritise and consider separable the politics of the interior of the state is one characterised by the rise of popular sovereignty and the nation-state at the end of the eighteenth century and is tied to notions of progress and even perfectibility in political and social life.¹¹⁶ The assumption that the primary focus of politics is people's life within the state became fully established with the creation of the disciplinary study of Politics, which saw its proper focus as the "theoretical discourse of the state."¹¹⁷ IR, as Brian Schmidt highlights, then developed out of American Political Science as a sub-discipline that looked at the external relations of the state, or rather the relations among states and was characterised by what he terms the "political discourse of anarchy."¹¹⁸ By recovering the neighbourhood aspects of Burke and Paine, which reject this bifurcated view politics, we are able to question this way of understanding the world and the values embodied in it.

This image of the relations of sovereign, territorially bound states operating with complete authority within their boundaries, but with no authority above them, is the characteristic concept of the "modern international system," which has traditionally been traced back to the Peace of Westphalia.¹¹⁹ As writers such as Teschke and Osiander have highlighted this 'IR narrative' tracing of the modern sovereign state system back to 1648 is a myth, the "product of the nineteenth and twentieth century fixation with the concept of sovereignty."¹²⁰ The Westphalian period can be seen to mark a key point of transition in European politics from a *universitas* understanding of the world, based on solidarist norms of *respublica Christiana*, to that of a "*societas*, based on the pluralist norms of state sovereignty, on political Independence."¹²¹ It is easy,

¹¹⁴ M. Wight, 'Why is there no International Theory?', 33.

¹¹⁵ F.H. Hinsley, *Power and the Pursuit of Peace*, (Cambridge: Cambridge University Press, 1963), 82

¹¹⁶ Hont, 'The Permanent Crisis of a Divided Mankind'; B. Yack, 'Popular Sovereignty and Nationalism', *Political Theory*, 23/4, (Sage Publications, 2001) 517-536.

¹¹⁷ B. Schmidt, *The Political Discourse of Anarchy*, (Albany: State University of New York Press, 1998), Ch 2.

¹¹⁸ Schmidt, *The Political Discourse of Anarchy*, 1 & esp. Ch1-3.

¹¹⁹ S.D. Krasner, 'Compromising Westphalia', *International Security*, 20/3, (1995-96), 115.

¹²⁰ A. Osiander, 'Sovereignty, International Relations and the Westphalian Myth', *International Organisation*, 55/2 (Cambridge: Cambridge University Press, 2001), 251; B. Teschke, *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations*, (London: Verso, 2003), 2-4.

¹²¹ R. Jackson, *The Global Covenant: Human Conduct in a world of States*, (Oxford: Oxford University Press, 2000), 165; See also M. Oakeshott, *On Human Conduct*, (Oxford: Clarendon Press, 1975), 185-326, esp. 199-206

Jackson argues, to take the image of “our world of states for granted,” but, he points out, the world of the Middle Ages in *respublica Christiana*, “was not a territorial patchwork of different colours representing independent countries under sovereign governments. Instead it was a complicated and confusing intermingling of lines and colours of varying shades and hues.”¹²² It was not until the end of the eighteenth century, with the integrating power of industrialisation, and the rise to prominence of the idea of popular sovereignty, when the state and society were brought together in the nation-state, that we see the establishment of the sovereignty-based international system, creating the image of the world out of which IR developed.¹²³ The idea of an ‘international’ realm or particular ‘international’ concerns is a product of this era and the notion that we not only can, but should, study politics in a bifurcated way. What is contained in the neighbourhood aspects of Burke’s and Paine’s thought is a view of the world and a conception of politics that continues a concern with the complicated and confusing intermingling of human relations.

There is a ubiquitous image of international relations as the relations of states. Indeed all that is added to the image set out in most IR introductory texts is that it is the interaction of sovereign states under a condition of anarchy.¹²⁴ The concentration on the importance of the state, the concept of sovereignty and the role of anarchy in international thought prepares those studying political thought to perceive and react in a certain way when examining the writings of classical thinkers. As a result particular writers, such as Machiavelli, and particular periods and places, such as the city state system of ancient Greece, are mined by IR scholars because they appear to provide direct insight into our world. In making such claims not only do we likely misunderstand what was being said about the politics of renaissance Europe, or the conceptions of the world and conduct promoted in the writings of Thucydides, but we overlook those arguments about how people and communities relate in ways that do not fit the image of ‘international’ politics of sovereign states.¹²⁵ Indeed, even while the ‘modern state system’ was supposedly at its height in the nineteenth and twentieth centuries, much of the world has been as involved in imperial systems as state systems.

¹²² Jackson, *The Global Covenant*, 156, 157.

¹²³ Osiander, ‘Sovereignty, International Relations and the Westphalian Myth’, esp. 251, 264-6, 277-282; Hont, ‘The Permanent Crisis of a Divided Mankind’, 448; Teschke, *The Myth of 1648*.

¹²⁴ For example see Olson & Groom, *International Relations Then & Now*, 1; M. Wight, *International Theory: the Three Traditions*, (Leicester: Leicester University Press, 1991), 1; Brown, *Understanding International Relations*, 6; K. Waltz, *Theory of International Politics*, (London: McGraw-Hill, 1979); H. Morgenthau, *Dilemmas of Politics*, 47; H. Williams, *International Relations in Political Theory*, x.

¹²⁵ Walker effectively makes the point about how past thinkers and times have been misunderstood and misused in his discussion of Machiavelli. See Walker, *Inside/Outside*, esp. Ch 2.

When we talk of the history of international thought it is often not the last 150, but 3,000 years that we are concerned with. Such histories seek to identify the ‘international’ aspect of the whole history of political thought. The danger in such quests is that in looking at past thinkers we project our ideas and our understanding of the world on to their writings. Linguistically the term ‘international’ can only be traced back to the end of the eighteenth century. So, in the strictest sense, to look for a tradition of international thought is to read a perennial question or set of questions into the history of political thought. Far from suggesting that the history of political thought going back further than the last 150 years should be excluded from IR, the argument here is that it is not only possible, but important to recover those ideas and aspects from the history of political thought that we now understand as ‘international’. It is, as Skinner argues, by studying the histories such as that of international thought that we can prevent ourselves becoming bewitched by our current way of thinking about the world. By recovering different ways of thinking about ‘international’ relations, such as neighbourhood, we can become more aware of the values and choices which are implicitly embodied in our present ways of life and the ways we think about the world. The disciplining effect of the bifurcation on how we understand our world can be seen in the ways IR scholars have thought about it.¹²⁶

IV

The decision to treat ‘international’ politics as a separate realm of study has meant that those seeking to explain and understand world politics and international relations have tended to start either from the idea that the units of analysis are independent self-derived and self-contained states or individual autonomous people. As E. H. Carr highlighted when considering the burgeoning discipline of IR, it is an obscurity peculiar to speculation about the ‘international field’ that morality is either seen as that of states or that of individuals.¹²⁷ IR arguments have tended to view and think about the world as either a system or society of states, whose relations

¹²⁶ This argument has some strong parallels with the argument that Rob Walker has developed about the study of IR in: Walker, *Inside/Outside*; R.B.J. Walker, *After the Globe, Before the World*, (London: Routledge, 2010).

There are also parallels with the arguments that Justin Rosenberg makes about the problem of ‘internalism’ in the social sciences, which have led to an under-theorisation of inter-societal space, a problem, which as Rosenberg points out, should be exactly the place for the discipline of IR to step in, however IR itself has been influenced and misshaped by ‘internalism’, and so has been unable to provide an antidote. J. Rosenberg, ‘The Philosophical Premises’ of uneven and combined development’, *Review of International Studies*, 39/3, (013), 569-97.

¹²⁷ E. H. Carr, *The Twenty Years Crisis 1919-1939: An Introduction to the Study of International Relations* (Hong Kong: Macmillan, 1946), 147.

and actions can be understood and analysed in themselves; or as based on mankind as a whole, where all politics and relations are ultimately premised on the actions of individuals. The pervasiveness of these starting positions has resulted in a proclivity to assume that these images of the world have always existed and are the only ways to conceive of international relations. This has not only limited the ideas, times and places that are drawn upon, but has led scholars to misattribute ideas and understandings of the world to past thinkers; while at the same time convincing themselves and others that they have strengthened their position. Even if there was validity in looking for 'like' ideas, times and places to inform us about our world, this view ignores the fact that these state systems have not always been present, and some other 'international' relations must have been occurring in these periods. These intellectual blinkers have excluded other ways of thinking about the relations of people and communities, such as Burke's and Paine's ideas of neighbourhood, which offer not only different, but possibly better ways to understand the complexity of peoples' social and political relations. By rejecting the artificial distinction between the domestic and international, Burke's and Paine's neighbourhood ideas offer a more holistic understanding of human relations, and the relations of the political communities we form.

The prominence of these starting points in the IR discourse can be clearly seen in the dominant 'realist-liberal debate', as well as in classifications of IR arguments such as the communitarian-cosmopolitan distinction and the English schools tripartite traditions of 'realism', 'rationalism' and 'revolutionism'.¹²⁸ In all of these approaches there is a tendency for scholars not only to view the world around them through a particular lens, but also to view other places and other times through this lens. For example, Brown in tracing the communitarian-cosmopolitan traditions of thought to the Hellenic world argues that these attitudes have characterised thinking about international affairs ever since.¹²⁹ Thompson on the other hand only imposes it as a fundamental distinction in the tradition of political thought from Hobbes onwards.¹³⁰ In stressing these starting points the intention here is not to classify IR thought, but rather to highlight the dominance of certain images of the social and political world that have shaped both the study and practice of politics.

¹²⁸ For the Cosmopolitan Communitarian distinction see: C Brown, *International Relations Theory: New Normative Approaches*, (London: Harvester Wheatsheaf, 1992); J. Thompson, *Justice and World Order: A Philosophical Inquiry*, (London: Routledge, 1992); M. Cochran, *Normative Theory in International Relations: A Pragmatic Approach*, (Cambridge: Cambridge University Press, 1999).

For Wight's tripartite approach see: Wight, *International Theory*.

¹²⁹ Brown, *Sovereignty, Rights and Justice*, 41.

¹³⁰ Thompson, *Justice and World Order*, 22.

The most dominant image of the world in IR arguments is that of a world of states and a realm of state action, which takes autonomous self-derived states as the primary ‘units of analysis’. This image and starting point has been essential to realist arguments which have shaped the disciplinary study of IR as well as political practice. Central to realist arguments is the assumption that there are distinct and different domestic and international realms, where the domestic realm concerns the relations and systems of government of individual people and the international realm concerns the relations of states in an anarchical system.¹³¹ For example, Carr argues that to think of states as being akin to the individual in domestic politics, is not a question of truth about the world, but rather a category necessary to thinking about international relations.¹³² He lays down a perennial criterion for international thought, supporting his position by drawing on what he claims is a tradition traced “from Machiavelli through Spinoza and Hobbes to Hegel,”¹³³ that argues the relations between states are different from those that occur between their respective peoples and so, contrary to liberal arguments, the same moral codes cannot apply to both individuals and states.¹³⁴ What Hobbes showed realists, according to Carr, is that states are “complete and morally self-sufficient entities” and the relations between these ‘entities’ are determined and governed by power and not by morality.¹³⁵

Similarly, Morgenthau argues that realists, in contrast to the universal moral political order of the liberals, see politics and in particular international relations as being governed by “interest defined by power.”¹³⁶ What makes international politics distinct from all other types of politics is that its constituent members are nation-states. In domestic politics, he argues, individuals place supreme power, values and loyalties in their society, but in international politics states and not the system or society are the ultimate source of power, values and loyalties.¹³⁷ There is a “hidden truth,” he argues, in “Hobbes’ extreme dictum that states create morality as well as law and that there is neither morality or law outside the state.”¹³⁸ While the division of the world into nation-states is not a necessity for Morgenthau he argues it is the “ultimate point of reference for contemporary foreign policy.”¹³⁹ Indeed while Morgenthau highlights the historical contingency

¹³¹ Waltz, *Man, State, and War*, 11.

¹³² Carr, *The Twenty Years Crisis*, 150.

¹³³ Carr, *The Twenty Years Crisis*, 153.

¹³⁴ Carr, *The Twenty Years Crisis*, 150-4.

¹³⁵ Carr, *The Twenty Years Crisis*, 148, 153.

¹³⁶ H. Morgenthau, *Politics Among Nations: The Struggle for Peace and Power*, (New Delhi: Kalyani Publishers, 1991), 3-5.

¹³⁷ Morgenthau, *Dilemmas of Politics*, 47.

¹³⁸ H. Morgenthau, *In Defence of the National Interest*, (New York: Alfred A. Knopf, 1951), 34.

¹³⁹ Morgenthau, *Politics Among Nations*, 12.

of the nation state, there is a clear understanding that the world is (and must be) divided into separate autonomous units, that is read back as far as 'Thucydides' arguments about the Hellenic world.¹⁴⁰ Both Carr's and Morgenthau's arguments clearly introduce mythologies in the history of ideas to support their arguments about the nature of international relations. In presenting these classical thinkers as directly addressing our world not only are we given a false sense of what these thinkers meant when writing, but we are given a mythologized history to support a particular account of how the world is ordered, and the conception of politics divided into domestic and international realms.

Waltz, in developing his neorealist theory of international politics, simply assumes the distinction between politics and international politics as fact. International politics is cast as concerning the anarchic structure of a system composed of autonomous self-regarding units, whether city states, empires, or nations.¹⁴¹ He supports his position by employing the mythology that there are continuities in the history of international relations that mean we can draw direct parallels from the second century B.C. to the twentieth century A.D.¹⁴² In the assumptions on which he bases his theory, we find the criteria and perennial issues that mark out international thought for Waltz.

1. The international political systems must be anarchical and decentralised with no superordinate power among units which seek to ensure their own survival.¹⁴³
2. An international system must be composed of undifferentiated autonomous political "like units," which in the modern international system are states.¹⁴⁴
3. As an international system is composed of "like units," what distinguishes states from one another is their lesser or greater capabilities for performing similar tasks.¹⁴⁵

For Waltz, this is a sovereign states system not because states have control over the system or can do as they please, but because their autonomy means a state "decides for itself how it will cope with its internal and external problems."¹⁴⁶ States are analogous to individual people who are autonomous beings in the sense that they can choose how to deal and act in the world. While Waltz's theory demonstrates a clear internal consistency, if we were to take Waltz as our guide to 'international' thought, then we would be paupers indeed. We do not need Dickens's proverbial ghosts of Christmas to know that the relations of people and communities

¹⁴⁰ Morgenthau, *Dilemmas of Politics*, 48-9, 67-8; Morgenthau, *Politics Among Nations*, 12.

¹⁴¹ Waltz, *Theory of International Politics*, 91; See also for example: J.J. Mearshiemer, *The Tragedy of Great Power Politics*, (New York: W. W. Norton & Company, 2001), 17; R.G. Gilpin, 'The Richness of the Tradition of Political Realism', *International Organisation*, 38:2, (1984), 290.

¹⁴² Waltz, *Theory of International Politics*, 65-6.

¹⁴³ Waltz, *Theory of International Politics*, 88-93.

¹⁴⁴ Waltz, *Theory of International Politics*, 95.

¹⁴⁵ Waltz, *Theory of International Politics*, 97.

¹⁴⁶ Waltz, *Theory of International Politics*, 96.

have not always looked like this, do not look like this, and are unlikely to look like this in the future.

The early realist arguments of Carr and Morgenthau cast themselves as responding to the liberal approach to international politics that they referred to as idealist and utopian. Carr argued that writers such as Angell¹⁴⁷, Buckle¹⁴⁸ and Zimmern¹⁴⁹ attribute war and the inability to achieve rational good, not to the wickedness of man but, to an inability to understand that good.¹⁵⁰ There is a strong sense of progression and enlightenment in these early liberal IR writers. Building on the arguments of Bentham, they argue that if people were educated to see what is in their best interests, the problems of international relations, and in particular war, would be vastly diminished.¹⁵¹ The starting point for the liberal approaches to IR is that individuals are equal members of a community of all mankind.

Angell, as Carr points out, saw that the “biological division of mankind into independent warring states’ is ‘scientific ineptitude’.”¹⁵² The prominence of notions of progress and the individualist starting point in liberal arguments can be seen clearly in Angell’s disutility of war thesis. He argues it is a “logical fallacy and optical illusion” that conquering territory brought states wealth, as the population of such territories, who are for him the owners of the wealth, are annexed with territories.¹⁵³ Central to Angell’s position, as Navari highlights, is the view that “‘economic thinking’ or gauging policy by rational and utilitarian criteria, was bound to become prevalent in modern society,”¹⁵⁴ with the consequence that individuals decide against war because of its prohibitive cost. Central to Angell’s view is the premise that individuals are the important units of analysis, and that states are there to promote and secure the interests of individuals.¹⁵⁵ The utilitarian nature of Angell’s argument can be seen, for Navari, in her view that for the most part the word government could be substituted for state in his argument. For Angell modern society was best characterised as “a collection of evenly placed producers and consumers, all rationally pursuing individual interest.”¹⁵⁶ The underlying assumption for Angell is that states are

¹⁴⁷ N. Angell, *The Great Illusion*, (London: William Heinemann, 1911).

¹⁴⁸ H.T. Buckle, *History of Civilization in England*, (London: Longmans, Green and Co, 1901).

¹⁴⁹ A. Zimmern, *The League of Nations and the Rule of Law: 1918-1935*, (London: Macmillan, 1936).

¹⁵⁰ Carr, *Twenty Years Crisis*, 39 42-3.

¹⁵¹ Carr, *Twenty Years Crisis*, 25-7.

¹⁵² Angell Quoted in: Carr, *Twenty Years Crisis*, 12.

¹⁵³ Angell, *The Great Illusion*, 31, vi.

¹⁵⁴ C. Navari, ‘The Great Illusion Revisited: The International Theory of Norman Angell’, *Review of International Studies*, 15/4, (1989), 349.

¹⁵⁵ Angell, *The Great Illusion*, 35-6.

¹⁵⁶ Navari, ‘The Great Illusion Revisited’, 355.

rights protectors, which operate to best secure the utility of individuals within human society, which he describes as being like a single organism. The error, he argues, is to mistake the imperfect working of these different parts of the same organism for the conflict of individual organisms.¹⁵⁷

Charles Beitz, writing some fifty years later, expressed a similar view: that the identification of states as individuals and autonomous entities, “widely held to be a fundamental constitutive element of international relations,” is an erroneous one.¹⁵⁸ Beitz attempted to apply the principles of distributive justice to IR and argued that while a right of state autonomy does exist, it is premised on more basic principles of justice.¹⁵⁹ He drew these more basic principles of justice from John Rawls’ account in *Theory of Justice*, arguing that Rawls’ two principles of justice apply equally to the global level. For Beitz, international politics, like domestic politics, is premised on a universal conception of autonomous individuals.¹⁶⁰ In making this connection between Political Theory and IR, Beitz casts his arguments as being part of the long tradition of liberal political thought that Rawls had drawn upon to support his domestic political theory.

For Michael Doyle the essential principle of liberalism is “the importance of the freedom of the individual,”¹⁶¹ and the starting point for liberal arguments in international relations is “morally autonomous individuals.”¹⁶² It is from this premise that Doyle argues that liberal states do not engage in war with one another.¹⁶³ For Doyle, while there is no one “canonical description” of liberalism, there are clear traditions of liberal thought that can be drawn upon.¹⁶⁴ In setting out traditions of liberal-pacifism in Schumpeter, liberal-imperialism in Machiavelli and liberal-internationalism in Kant, Doyle unproblematically treats these writers as if they are conversing as contemporaries not only with one another, but also with us. This leads him to make historically absurd arguments such as criticising Machiavelli’s republics for not being able to achieve peace among themselves like Kant’s republics, because they do not exercise democratic caution.¹⁶⁵ His conclusion, that the differences between these writers reflect fundamentally different views of

¹⁵⁷ Angell, *The Great Illusion*, 145.

¹⁵⁸ C. Beitz, *Political Theory and International Relations*, (Princeton, NJ: Princeton University Press, 1979), 8, 69-83.

¹⁵⁹ Beitz, *Political Theory and International Relations*, 8, 69.

¹⁶⁰ Beitz, *Political Theory and International Relations*, 132.

¹⁶¹ M. Doyle, ‘Kant, Liberal Legacies and Foreign Affairs Part 1&2’, *Philosophy and Public Affairs*, 12/3&4 (1983), 205.

¹⁶² Doyle, ‘Kant, Liberal Legacies and Foreign Affairs’, 206, 213.

¹⁶³ M. Doyle, ‘Kant, Liberal Legacies and Foreign Affairs Part 1&2’, 205-35, 323-53; M. Doyle, ‘Liberalism and World Politics’, *American Political Science Review*, 80/4, (1986), 1151-1169.

¹⁶⁴ Doyle, ‘Liberalism and World Politics’, 1151-2.

¹⁶⁵ Doyle, ‘Liberalism and World Politics’, 1162.

the nature of human beings, the state, and international relations, is presented as highlighting three different but timeless liberal positions, and gives the impression of an eternal image of international politics.¹⁶⁶

Andrew Moravcsik in his review of liberal approaches to IR has characterised them as resting on a “bottom-up” view of politics, which views individuals as the “fundamental actors in international politics.”¹⁶⁷ Liberals, he argues, see the state not as an actor, but rather a representative institution that reflects the preferences of the individuals which compose it.¹⁶⁸ Moravcsik also criticises liberal IR approaches for their recourse to intellectual history to respond to realist critiques, such as those of Carr, Mongentau and Waltz. Instead he proposes a liberal IR theory based on “social scientific assumptions.”¹⁶⁹ While not claiming the authority of historical example, Moravcsik nonetheless employs historically contingent concepts, values and assumptions. By excluding any notion of relativity he places his ‘theory’ above history as timeless, universally applicable and as addressing perennial questions of international politics.¹⁷⁰

The perceived division of IR into two camps has caused many to search for points of commonality and ways to bridge the gap between them, but also for ways to explain aspects of international relation that neither camp seems fully able to address. For example, the development of neoliberal institutionalism, as Keohane highlights, “borrows as much from realism as it does from liberalism.”¹⁷¹ While institutionalists emphasise the role of international institutions as actors in the international system and the importance of cooperation in explaining relations, neoliberal institutionalism has been one of the dominant IR approaches in large part because the acceptance of realist critiques of liberal approaches, and taking an anarchical

¹⁶⁶ Doyle, ‘Liberalism and World Politics’, 1162.

¹⁶⁷ A. Moravcsik, ‘Taking Preferences Seriously: A Liberal Theory of International Politics’, *International Organisation*, 51:4, (1997), 516-7.

¹⁶⁸ Moravcsik, ‘Taking Preferences Seriously’, 518-20.

¹⁶⁹ Moravcsik, ‘Taking Preferences Seriously’, 514; Moravcsik argues that he attempts to create a liberal IR theory rather than a liberal ideology, which he feels is where tradition Liberal IR arguments end up. In turn David Long has accused Moravcsik of being ‘deeply ideological’ and ignoring the diversity of liberal thought that lays in the diversity of their normative historical and theoretical approaches. D. Long, ‘The Harvard School of liberal international theory: a case for closure’, *Millennium*, 24/3, (1995), 489-505.

¹⁷⁰ Beate Jahn makes a similar point about how Moravcsik’s theory is ‘deeply ideological’. She argues that this ideological approach aspires to general knowledge and in doing so “denies the essentially contested and thus, continuously changing nature of politics.” B. Jahn, Liberal Internationalism: From Ideology to Empirical Theory – and Back’, *International Theory*, 1/3, (2009), 411, 409-38.

¹⁷¹ R. Keohane, ‘Institutionalist Theory and the Realist Challenge after the Cold War’, in *Neorealism and Neoliberalism: The Contemporary Debate*, ed. D. A. Baldwin (New York: Columbia Press, 1993), 272.

international system composed of nation state as the starting point.¹⁷² Similarly, the constructivist approach most notably proposed by Alexander Wendt, has cast itself as seeking to build a bridge between liberals and realists, and brings important considerations of identity construction to the discourse.¹⁷³ Wendt's argues that "self-help and power politics are institutions, not essential features of anarchy" and that "anarchy is what states make of it."¹⁷⁴ This approach provides a different perspective to contemporary IR debates, however it also begins its analysis of international relations from the starting points of states, to which it attributes the same faculty of identity construction that it sees in individuals within the state.¹⁷⁵ Both institutionalist and constructivist approaches have identified gaps and areas of weakness in explanations of international relations, but the acceptance of autonomous independent states as the starting point for their explanations demonstrates the extent to which the bifurcated understanding of politics remains hegemonic within the discourse and debates of IR.

The English School has attempted to steer a middle way between the dominant camps of IR thought which Wight calls 'realism' and 'revolutionism', by introducing a third tradition of 'rationalism'. In particular the English school is associated with the idea that international relations occur in an international society. While the structure of the world of states is anarchical, relations between states are governed by rules established through their interaction. The consequence, as Linklater and Suganami point out, is that for English School thinkers the relations of states exhibit a degree of order that could not otherwise be expected.¹⁷⁶ There is, though, for English School writers, still a world of states. As Manning argues, the framework of international politics is the society of sovereign states, which he describes as "constitutionally insular" and "independent of the authority of any other sovereign state."¹⁷⁷ This view of states as personified entities is the starting point for most writers included in the English School with Bull

¹⁷² Keohane, 'Institutionalist Theory and the Realist Challenge after the Cold War', 271; R. Axelrod & R. Keohane, 'Achieving Cooperation under Anarchy: Strategies and Institutions', *World Politics*, 28/1, (1985), 226-54, 226-54; K. Abbott & D. Snidal, 'Why States Act through Formal International Organisations', *The Journal of Conflict Resolution*, 42/1 (1998), 3-32; The role of anarchy in international relations thought is set out well in: H. Milner, 'The Assumption of Anarchy in International Relations Theory: A Critique', in *Neorealism and Neoliberalism: The Contemporary Debate*, ed. D. A. Baldwin (New York: Columbia Press, 1993).

¹⁷³ A. Wendt, 'Anarchy is What States Make of it: The Social Construction of Power Politics', *International Organization*, 46/2, (1992), 391-425.

¹⁷⁴ Wendt, 'Anarchy is What States Make of it', 395.

¹⁷⁵ Wendt, 'Anarchy is What States Make of it'.

¹⁷⁶ A. Linklater & H. Suganami, *The English School of International Relations: A Contemporary Reassessment*, (Cambridge: Cambridge University Press, 2006), 44.

¹⁷⁷ C. A. W. Manning, 'Legal Framework in a World of Change', in *The Aberystwyth Papers: International Politics 1919-1969*, (ed.) B. Porter, (London: Oxford University Press, 1972), 318.

and James arguing that only sovereign states, as full members, set the rules and enjoy the rights and duties of international society.¹⁷⁸

English School writers tend to be some of the most historically inclined and sensitive scholars in IR. This, combined with their focus on the idea of international society, suggests that they are likely to be the most receptive to the ideas of neighbourhood in Burke's and Paine's writings. Indeed their arguments about the function of international society reflect similar observations to those made by Burke and Paine about relations between peoples and communities in their day.

While English School writers recognise that classical thinkers can tell us something different about international relations, they have approached these thinkers and produced their arguments from within the bifurcated understanding of politics which has taught them to perceive, react and characterise past thinkers' arguments in a particular way. Wight examines the writings of classical thinkers and classifies their doctrines according to three traditions of international theory. His belief in the poverty of international theory when compared to political theory leads him to set out a very narrow understanding of 'international' politics, which he characterises as an unchanging "realm of recurrence and repetition."¹⁷⁹ That Wight was subsequently unable or unwilling to follow through this characterisation of international politics into his wider arguments, suggest its problematic nature and the paradigmatic constraints within which he was writing. Even excellent and historically minded studies such that of Adam Watson who, building on Wight's arguments, studies the history of various systems of states and places them on a continuum between absolute independence and absolute empire, clearly view these systems of states as part of a separate realm of international politics.¹⁸⁰

Conclusion

This chapter has sought to set out how to recover the ideas of neighbourhood from Burke's and Paine's writings and why this recovery is important. Skinner's arguments about method have been central to both of these endeavours.

¹⁷⁸ Linklater & Suganami, *The English School*, 47, 52; H. Bull, *Anarchical Society: A Study of Order in World Politics*, (London: MacMillan Press, 1977), 71.

¹⁷⁹ Wight, 'Why is there No International Theory?', 26.

¹⁸⁰ A. Watson, *The Evolution of International Society*, (London: Routledge, 1992).

There is, as Boucher observes, a positive and negative side to Skinner's arguments.¹⁸¹ The positive aspect is the importance of discerning authors' intentions in writing their texts. In studying a text we need not only to consider what the words mean, but also what the author intended to do in writing it. This is what Skinner, drawing on Austin's speech act arguments, calls the performance of illocutionary acts in producing a text. We seek to discern these intentions, Skinner argues, not through translating these texts into our vocabulary and conceptual framework, but by becoming familiar with contemporary social and linguistic conventions and the context in which writers produce their texts. The negative aspect of Skinner's arguments warns against mythologizing in producing histories of political thought. Skinner draws on Collingwood to argue that there are no perennial issues in this history of philosophy. We must, following Skinner's arguments, be wary of asking our questions and projecting our conceptual framework and image of the world on to the arguments of past thinkers. The historical task, when considering the work of past thinkers, is, as much as possible, "to see things their way." It is these considerations that guide the engagement with Burke's and Paine's thought, and has led to the identification and recovery of the ideas of neighbourhood from their thought.

It is this second, negative, aspect of Skinner's arguments that also helps us to understand why the recovery of the ideas of neighbourhood from Burke's and Paine's writings is important. I have argued that the idea that there is a separate realm of international concern is a relatively recent one, and stems from a bifurcation of politics into domestic and international spheres which occurred in the nineteenth century. This has become a lens through which we perceive and conceive of our world and the worlds of our ancestors. It prepares us to react and interpret in certain ways. In particular, it has led those seeking to explain 'international' aspects of politics to begin from the starting points of either a system or society of states, or a global community of autonomous individuals. By reconsidering the history of political thought in the manner I have outlined, we can recover other ways of thinking about the relations of people and communities that can liberate us from hegemonic accounts of how the world and the values embodied in our present ways of life should be interpreted and understood.

¹⁸¹ Boucher, 'The Denial of Perennial Problems'.

Burke

“American colonies, Ireland, France and India
Harried, and Burke’s great melody against it.”

W. B Yeats, ‘The Seven Sages’

Chapter 2

Introduction: The British-Irish Neighbourhood

The neighbourhood aspects of Edmund Burke's thought, as they are termed here, are most clearly expressed and developed in his writings on the crises in Britain's relations with the American Colonies, the Indian subcontinent and Revolutionary France. It is in these concerns where, as Conor-Cruise O'Brien argues, Burke felt both compelled and truly free to speak what we find the great melody of his thought, the "profound inner harmony within Burke's writings."¹ While Burke possessed the mind of a great philosopher, as his early works indicate,² he rejected abstract metaphysical theorising, arguing that the science of constructing, renovating or reforming a commonwealth is not to be taught *a priori*.³ Burke's political thought is not espoused in a systematic way, but becomes evident in his response to the practical challenges posed in the late eighteenth century. The events in America, India and France presented new challenges and questions in regards to the role of space in the governance, actions and relations of political communities. The narrow view of politics and the world that stops at the *Pomoerium*⁴ or national boundary was, for Burke, a mistaken response to these questions. He argued "we have an important part of our very existence beyond our limits."⁵ Central to the harmony in Burke's writings is the position at the core of his neighbourhood ideas noted earlier: that as a social

¹ C-C. O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke*, (London: Sinclair-Stevenson, 1992), xxv; O'Brien takes this title and approach to Burke's life and thought from two lines in W. B. Yates' Poem *The Seven Sages*. "American Colonies, Ireland, France and India Harried and Burke's great Melody against it."

² E. Burke, *Writings and Speeches of Edmund Burke: Volume I The Early Writings*, (ed.) T.O. McLoughlin & J.T. Boulton, (Oxford: Oxford University Press, 1997). In particular: 'A Philosophical Enquiry into the Origins of Ideas of Sublime and the Beautiful' [1757], 185-320; 'A Vindication of Natural Society' [1756], 129-184; 'An Essay Towards an Abridgement of English History' [1757-?], 332-552.

³ E. Burke, 'Reflections on the Revolution in France' [1790], *Writings and Speeches of Edmund Burke: Volume VIII The French Revolution 1790-1794*, (ed.) L. G. Mitchell, (Oxford: Oxford University Press, 1989), 111-2; Burke, 'Speech on Conciliation with America' [22 March 1775], *The Writings and Speeches of Edmund Burke: Volume III Party, Parliament and the American War*, (ed.) W. M. Elofson & J. A. Woods, (Oxford: Oxford University Press, 1996), 157; Burke, 'Letter to the Sheriffs of Bristol' [3 April 1777], *Writings III*, 313, 317-8.

⁴ A strip of ground marking the formal, religiously constituted boundary of a Roman city.

⁵ E. Burke, 'Fourth Letter on a Regicide Peace' [1795], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R. B. McDowell, (Oxford: Oxford University Press, 1991), 56.

animal, no man is “perfect master on his own ground.”⁶ For Burke, the nature of politics does not alter depending on scale; nations, like individuals, are not autonomous entities and so are always intimately concerned with their physical and social vicinity.

The challenge to the rights and expectations of the American Colonists, who Burke regarded as fellow Englishmen, raised the first serious questions over vicinity; the assumption of power and new connections and responsibilities for the governance of a strange and distant people in India raised the second; and lastly, the disruptions of the long standing, well-established and tested manners and practice in Europe by France raised the most menacing challenges. While these crises bring out Burke’s clearest arguments, it is important in developing an understanding of Burke’s neighbourhood ideas to give some consideration and weight to his concern for the land of his birth, Ireland. As O’Brien stresses: “if you can’t understand Burke’s relation to the land of his upbringing, you can’t understand Burke.”⁷ While Burke seems never to have felt fully free to express his thoughts, feelings and opinions about Ireland for fear of being dismissed as simply an advocate for Irish causes, what he did say provides us with crucial context and insight into how he understood the world around him.⁸ In particular, we see some of the foundations of his neighbourhood arguments and the central role that constitutions play in his political thought.

I

Near the end of his life, Burke wrote that he saw his home as England due to long habit and obligation. He was also very aware that the foundation of his understanding of the world came from Ireland, describing it as “the Country to which I am bound by my earliest instincts.”⁹ As he made clear in his writings on France, the early attachment to a local neighbourhood or subdivision of society is the first principle of public affection from which “we proceed towards a love to our country and mankind.”¹⁰ It is these attachments, particular to every person, that make us who we are as individuals, but these attachments are also the common foundation that

⁶ Burke, ‘First Letter on a Regicide Peace’ [1796], *Writings IX*, 250.

⁷ O’Brien, *The Great Melody*, xxvi.

⁸ Burke seems to have had good reason to feel that his Irish origin may have been used against him by his political opponents. For example, at the very start of his political career Rockingham was warned that Burke was an Irish Papist, a Jesuit sent to spy on Britain when he first appointed him his private secretary. O’Brien highlights this and other attempts to use his origins against him in Parliament. O’Brien, *The Great Melody*, 48-71.

⁹ E. Burke, ‘To Sir Lawrence Parsons’ [8 March 1797], *The Correspondence of Edmund Burke IX 1796-1797*, (ed.) T. Copeland, (London & Chicago: Cambridge University Press & Chicago University Press, 1970), 277.

¹⁰ Burke, ‘Reflections on the Revolution in France’, 97-8.

connects our existence to that of every person ever born. While others may have insinuated it, Burke saw no difficulty or conflict in being both an Englishman and an Irishman, as Ireland was for him “a part, which [he] could not separate, even in thought, of this great empire.”¹¹ While every inhabitant of Britain may not realise it, Burke argued that Ireland was an indispensable part of who they were and Britain a fundamental part of who Irishmen were. He argued, “I cannot conceive how a Man can be a genuine Englishman without being at the same time a true Irishman, tho’ fortune should have made his birth of this side of the Water, I think the same Sentiments ought to be reciprocal on the part of Ireland.”¹²

For Burke, the closeness of Ireland and Britain, not only physically but in terms of their social, cultural and political manners, meant that they were inextricably connected and concerned with one another. Britain and Ireland shared the closest bonds of society and neighbourhood. So much so that he argued that:

“the closest connexion between Great Britain and Ireland, is essential to the well being, I had almost said, to the very being, of the two kingdoms. For that purpose I humbly conceive that the whole of the superior, and, what I should call, *Imperial* politics ought to have its residence here; and that Ireland, locally, civilly, and commercially independent, ought politically to look up to Great Britain in all matter of peace and War, in all those points to be guided by her and in a word with her to live and to die. At bottom Ireland has no other choice, I mean no other rational choice.

“I think indeed that Great Britain would be ruined by the separation of Ireland; but as there are degrees even in ruin, it would fall the most heavily on Ireland.”¹³

This understanding of the mutually constitutive nature of Britain’s and Ireland’s existence is based on Burke’s view that nations and communities, just like individual people, are “never in state of total independence.”¹⁴ The closer people are, the greater affect they have upon one another and the stronger the concern that is created. This understanding is the basis for his arguments about Englishmen in America,¹⁵ the strangers of India¹⁶ and the European neighbours

¹¹ Burke, ‘To Sir Lawrence Parsons’, 277.

¹² Burke, ‘To John Keogh’ [17 November 1796], *Correspondence IX*, 113.

¹³ Burke, ‘To Unknown: Letter on Affairs of Ireland’ [26 May 1795], *Writings IX*, 675-6.

¹⁴ Burke, ‘First Letter on a Regicide Peace’ [1796], *Writings IX*, 249.

¹⁵ Burke, ‘Speech on Irish Commercial Propositions’ [19 May 1785], *Writings IX*, 589.

in France,¹⁷ and indeed some of his most blunt engagements with the situation in Ireland were made with reference to these crises.

II

Born in Ireland in January 1729, Burke's father Richard was an Irish lawyer and Protestant.¹⁸ His mother Jane was a member of the prominent Nagle family who are known to have been Roman Catholic. This mixed religious background had a strong influence in shaping Burke's moral, political and social character.¹⁹ While he was a lifelong Protestant, his mother, sister and a number of his relatives and friends were lifelong Catholics and he went on to marry a Catholic, Jane Nugent, who only converted after their marriage.²⁰ This intimate connection with Catholics gave him a knowledge and appreciation of the Roman Catholic faith and made him warmly attached to the religion. Burke was a deeply religious man who studiously read theological arguments and texts, giving him a strong appreciation for the principles of tolerance, justice and charity and the good effect of many religions.²¹ Christianity, Burke argued, is an important foundation of the European neighbourhood, and he also observed the beneficial effect the Hindu and Islamic religions had in bringing order to the Indian peoples and providing the foundations of Indian civilisation that were common with those of Europe. The importance of religion, for Burke, was not its truth or falsehood, but that it was a source of hope, comfort and guidance to people, the removal of which leaves them with a dreadful, uncertain void in their minds.²²

¹⁶ Burke, 'Letter to Sir Hercules Langrishe' [1792], *Writings IX*, 635, 637; 'Second Letter to Sir Hercules Langrishe' [26 May 1795], *Writings IX*, 667.

¹⁷ Burke, 'Letter to Richard Burke' [post 19 February 1792], *Writings IX*, 641-2, 647; 'Letter to William Smith' [29 January 1795], *Writings IX*, 661; 'Second Letter to Sir Hercules Langrishe' [26 May 1795], *Writings IX*, 667; 'To Unknown: Letter on Affairs of Ireland', 675.

¹⁸ Lock highlights that in order to act as an attorney in Ireland at this time a person had to be Anglican, and there was a large number of catholic converts practicing law at this time. He notes that there is a record of a Richard Burke being confirmed into the Church of Ireland in 1722. F. P. Lock, *Edmund Burke: Volume I 1730-1784*, (Oxford: Oxford University Press, 1998), 4-5; Conor-Cruise O'Brien also notes this and makes the argument that it is seriously misleading to overlook the likelihood that Richard Burke was confirmed to the Protestant religion in order to comply with the Penal Laws against Catholics. As O'Brien suggests, this is an important consideration and helps provide further foundations for Burke's later arguments about the treatment of Catholics in Britain and Ireland. C-C. O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke*, (London: Sinclair-Stevenson, 1992).

¹⁹ P.J. Stanlis, 'Introduction', in E. Burke, *Selected Writings and Speeches*, (ed.) P. J. Stanlis, (Gloucester, MA: Anchor Books, 1963), 1.

²⁰ T.H.D. Mahoney, *Edmund Burke and Ireland*, (Cambridge, MA: Harvard University Press, 1960), 315.

²¹ Mahoney, *Burke and Ireland*, 316-7.

²² Burke, 'Letter to Richard Burke' [post 19 February 1792], *Writings IX*, 645.

Burke's close association with Catholics also made him fully aware and connected to their plight in Ireland under the Irish Penal Laws.²³ It was against the injustice of the penal or popery laws, which not only excluded Catholics from political and economic rights, but actively sought to diminish their existing power and property with the purpose of forcing their conformity to the Protestant church, on which Burke focused his arguments concerning Ireland.²⁴ At the root of the popery laws, Burke argued, appeared to be a concern that the loyalty of Irish Catholics to the Crown and Great Britain in general was in question and that there might be some Vatican plot to bring some foreign power to destroy the church and threaten the peace and security of Britain and Ireland.²⁵ He argued this was nonsense as, "it is not about popes, but potatoes that the minds of this unhappy people are agitated. It is not from the spirit of zeal, but the spirit of Whiskey, that these wretches act."²⁶ Burke argued that two million men were left disenfranchised and full of uneasiness in Ireland not because they wanted to overturn the act of settlement²⁷ or establish some new system based on supposed natural equality, but because the administrations in both Britain and Ireland would not allow them to "enjoy the ancient, fundamental, tried advantages of a British constitution."²⁸ What existed in Ireland was not liberty, but a partial freedom of privileges and prerogatives that did not deserve the name. A liberty made up of penalties, incapacities, exclusions and proscriptions was placed over four-fifths of the inhabitants of all ranks and fortunes and continued for a prolonged period; this was not liberty, according to Burke, but the most shocking kind of servitude. In such a system, some people were said to be free, but this was the very description of despotism.²⁹

For Burke, liberty, properly thought of, is not the abstract idea of lack of restraint and is not found in the licence of some powerful individuals. Liberty is an "honest, equitable, diffuse and

²³ The Irish Penal or Popery Laws were a series of laws passed in the late seventeenth and early eighteenth centuries to restrict the political and economic power of Catholics and Protestant dissenters in Ireland and coerce them into accepting the Anglican Church. As Robert Burns argues, the Irish Penal laws "comprised one of the most persistent legislative efforts ever undertaken by a western European state to change a people." R. E. Burns, 'The Irish Popery Laws: A study of Eighteenth-Century legislation and Behaviour', *Review of Politics*, 24/2 (1962), 485; See also R. E. Burns, 'The Irish Penal Code and some of its Historians', *Review of Politics*, 21/1 (Cambridge University Press, 1959), 276-99.

²⁴ Burke, 'Tracts Relating to Popery Laws' [1765], *Writings IX*.

²⁵ Burke, 'Tracts Relating to Popery Laws', 478; Burke, 'Letter to Richard Burke', 648.

²⁶ Burke, 'Letter to Richard Burke', 648.

²⁷ The Act of Settlement of 1701 was passed to ensure the Protestant succession to the throne, after the line set out in the Bill of Rights 1689 was ended by the failure of William and Mary and Anne to produce heirs. The Act set out that no Catholic or person married to a Catholic could hold the Crown. After the death of Queen Anne in 1714, the Act meant that the throne passed to the Protestant line in the House of Stewart to James VI(I)'s granddaughter, Princess Sophia of Hanover, but as she died before Anne, the throne passed to her son, George I.

²⁸ Burke, 'Letter to Sir Hercules Langrishe' [1792], *Writings IX*, 630.

²⁹ Burke, 'Letter to Richard Burke', 641-2.

impartial principle” found in the mass of the people.³⁰ The legislature of Ireland, Burke argued, like all legislatures, ought to frame its laws to suit the people and circumstances of the country, to the long established prejudices of the people, and not make it “their whole business to force the nature, the temper and inveterate habits of a Nation,” to conform to “speculative systems concerning any kind of laws.”³¹ For Burke this was the case in Britain and Ireland as much as it was in America, India and France. People are not homogenous entities, but are made up of a variety of talents, interests and identities. The communities and nations they are part of reflect this diversity and Burke argues we ought not to govern a mixed body by one system, but rather to provide for several parts according to the various and diversified necessities of the heterogeneous nature of the mass.³² The constitutions of political communities should not only reflect the people who compose it, but also conform to those universal aspects that make each particular constitution but a clause in the “great primeval contract of all mankind.”³³ Properly conceived constitutions work after a “pattern of nature,” which meant a pattern of inheritance. We receive our government and privileges from our forefathers, adapt them to our time and then transmit them to our children. Such a constitution should, he argues, bring the wisdom of the various transitory parts of a permanent political community and create a system that is at one time never old, middle-aged or young. By which he means a constitution is established not to look after some particular group or way of life, but to provide for all people and adapt to the inevitable changes of circumstance.

This idea of the constitution is central to Burke’s understanding of politics and his neighbourhood ideas. It was this idea that had enabled the British constitution to develop and put into practice a strong, regulated liberty, which he described as the spirit of the constitution. For Burke, a vital aspect to conserving the good, practical effect of this spirit of the constitution was that it is constantly adapted to new challenges and situations. The crises in America and India not only raised new issues and questions, especially in relation to space, but also presented new opportunities to adapt, improve and secure those good aspects at the heart of the constitution. In contrast, the French Revolution and Britain’s hypocrisy in Ireland were challenges to the foundations of British and European society, but Burke saw that in overcoming these threats, Britain had an opportunity to improve the good aspects of its constitution and remove ineffective and mistaken aspects and practices.

³⁰ Burke, ‘Letter to Richard Burke’, 642.

³¹ Burke, ‘Letter to Richard Burke’, 650.

³² Burke, ‘Letter to Richard Burke’, 650-1.

³³ Burke, ‘Reflections on the Revolution in France’, 147.

Chapter 3

America: A Neighbourhood of Blood

Introduction

Burke considered the colonists living in America to be Englishmen separated from Britain by the vast Atlantic Ocean. In contemplating this rapidly developing political community spread across two continents, Burke was faced with questions of how distance affected the relations, rights, liberties and governance of Englishmen. This chapter sets out how the arguments contained in Burke's writings and speeches over the American Crisis¹ reveal an understanding of this political community as a neighbourhood of blood, or kinsmen, rendered on an 'international' scale. This is a neighbourhood in which the social and political order is not just common, but is essentially the same, to the extent that had America been physically contiguous with Britain, the two would have been considered in the union of state rather than the union of empire.² For Burke, the American Colonists,³ as Englishmen, were entitled to and expected the same privileges, rights and liberties as every other Englishman. He was also clear that as part of the British Empire, America was necessarily subordinate to King and Parliament. Burke realised that while this implied a theoretical or ideal structure to the imperial community, it was established custom and practice, as with all political communities, that determined its order. Most crucially, Burke recognised that the common foundations of political community in Britain and America meant

¹ The term American Crisis, is used to refer to the period from the Stamp Act Crisis through to American independence and is intended here to encompass the period and events referred to as the American Revolution and war of independence. The term is taken from Burke's description of Britain's "contest with America" as a "great crisis in our affairs." (E. Burke, 'speech at Arrival at Bristol' [13 October 1774], *The Writings and Speeches of Edmund Burke: Volume III Party, Parliament and the American War*, (ed.) W. M. Eofson & J.A. Woods, (Oxford: Oxford University Press, 1996), 58.) It also the term used by Paul Langford in the title of *Writings and Speeches of Edmund Burke: Volume II Party, Parliament, and the American Crisis 1766-1774*.

² In this sense, Burke's arguments on America may also reveal some of his thoughts and frustrations in regards to Ireland, which he did not feel able to openly state.

³ Here after referred to simply as the Colonists.

that while physically distant, they were socially and politically in close proximity and actions taken in one place necessarily affected and concerned the other.

The chapter traces Burke's arguments in the American Crisis and develops an understanding of how the neighbourhood aspects of Burke's thought were crucial to the positions he took, and the direction which he hoped Britain would take. The Chapter:

I. Sets out the intellectual and historical context for Burke's thought, arguments and involvement in the American Crisis.

II. Examines the early disputes and debates of the Crisis. It sets out Burke's distinction between the ideal and practical constitution, and the implication this has for the practice of rights, privilege, sovereignty and governance.

III. Examines the place and role of discontent in society and how it operates as a guiding function of Burke's neighbourhood arguments.

IV. Sets out the importance of the ideas of neighbourhood in Burke's understanding and theory of Empire.

V. Discusses the implications of the imperial community between Britain and America and how this relationship had the potential for great good or great evil for Englishmen on both sides of the Atlantic.

VI. Examines the importance of adapting the constitution and practices of government to the new challenges of America and sets out how the Crisis reveals the central position of the neighbourhood ideas in Burke's political theory.

I. Context

The American Crisis was one of the first major issues that Burke faced when he entered Parliament, and it played a central role in both British Politics and Burke's thought and work for the next fifteen years. It touched upon some of the central questions of this age regarding representation, rights, the nature of constitutions and political communities and the proper understanding of the relations between people. The impact of the events and debates on Burke's thought can be seen throughout the rest of his writings. To properly appreciate Burke's arguments about the Crisis and beyond, it is necessary to gain an understanding of the historical and intellectual context that surrounded the Crisis, Burke's involvement and his positions.

When Burke first entered public affairs in 1765,⁴ he had been on the fringes of politics in Dublin and London for some years due to his work for William Hamilton⁵ and was already a fairly well established literary figure.⁶ During this period, Burke also took on the editorship of the new periodical *Annual Register* (1758-)⁷ and helped his close friend William Burke produce *An Account of the European Settlements in America* (1757). This background meant that from his earliest days, Burke's arguments in Parliament were well developed, thought through and informed. As H T Dickinson argues, Burke's involvement in *Account* showed that he had a better knowledge of American affairs and their importance to Britain's prosperity than most.⁸

The immediate context for the American disputes stemmed from Britain's victory over France in the Seven Years War. While the victory was very much in Britain's favour, they had borne most of the cost in both blood and money and a view developed in Britain that the Colonists had not contributed their fair share.⁹ When George Granville became Prime Minister shortly after the end of the war he decided that the Colonies should help to carry the cost of the troops and passed the Sugar Act (1764) and the Stamp Act (1765) to tax them.¹⁰ The Acts were not well received in the Colonies and raised the question of whether the British Parliament had the right to tax them. Vital to understanding these disputes and, for Burke, how they should be resolved, is an understanding of the wider context of how Britain and her Colonies had historically related. As Keith Mason and Dickinson highlight, this relationship had been fairly weak, fluid and unstable from the first establishment of British colonies in the seventeenth century.¹¹ The

⁴ First as the private secretary to Lord Rockingham and then as the Member of Parliament for the pocket borough of Wendover F. Lock, *Edmund Burke: Volume 1 1730-1788*, (Oxford: Clarendon Press, 1998), 209-15.

⁵ From 1759-65, Burke worked for William Gerard Hamilton, a fairly prominent MP and junior minister, who was the Chief Secretary to the Earl of Halifax when he became Lord Lieutenant of Ireland in 1761.

⁶ Most notably for *A Vindication of Natural Society* (1756) and *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and the Beautiful* (1757). E. Burke, 'A Vindication of Natural Society' [1756], *Writings and Speeches of Edmund Burke: Volume I The Early Writings*, (ed.) T.O. McLoughlin & J.T. Boulton, (Oxford: Oxford University Press, 1997), 129-184; Burke, 'A Philosophical Enquiry into the Origins of Ideas of Sublime and the Beautiful' [1757], *Writings I*, 185-320.

⁷ W. Burke & E. Burke, *An Account of the European Settlements in America*, (London, R. and L. Dodley, 1757); For the *Annual Register* see T.O. McLoughlin, *Edmund Burke and the First Ten Years of the Annual Register 1758-1767*, (Salisbury: University of Rhodesia, 1975); See also W.B. Todd, *A Bibliography of Edmund Burke*, (Godalming: St Paul Bibliographies, 1982), 28-9, 44.

⁸ H.T. Dickinson, 'Burke and the American Crisis', *The Cambridge Companion to Edmund Burke*, (ed.) D. Dawn & C. J. Insole, (Cambridge: Cambridge University Press, 2012), 156-7.

⁹ E. S. Morgan & H. M. Morgan, *The Stamp Act Crisis: Prologue to Revolution*, (New York: Van Rees Press, 1953), 7; J. Derry, 'Government Policy and the American Crisis 1760-1776', in *Britain and the American Revolution*, (ed.) H. T. Dickinson, (New York: Longman, 1998), 45.

¹⁰ P. Foner, *Labor and the American Revolution*, (London: Greenwood Press, 1976), 46.

¹¹ H. T. Dickinson, *Britain and the American Revolution*, (ed.) H. T. Dickinson, (New York: Longman, 1998), 4; K. Mason, 'Britain and the Administration of the American Colonies', in *Britain and the American Revolution*, (ed.) H. T. Dickinson, (New York: Longman, 1998), 22-3.

Colonies, as the Burkes' *Account* highlighted clearly,¹² had been set up based on charters for specific purposes, but their rapid expansion and development raised issues for both the Colonies and Britain.

For the Colonists, questions were raised regarding rights, representation and legal standing in the British constitution, and for Parliament, the issue was how to structure, order and administer their developing empire and resolve questions of sovereignty, legislative supremacy and rights. As Dickinson highlights, both sides "shared the same reverence for the common law, constitutional liberties, the rule of law, government by consent, and the benefits of the Glorious Revolution of 1688."¹³ Such reverence also led both sides to defend their differing interpretations of the British constitution and their lives, liberty and property by force. The debates and the eventual conflict need to be viewed in the wider intellectual context of the Enlightenment's application of reason to the understanding of politics and the moral world. In particular, it is valuable to keep in mind the arguments of the Scottish Enlightenment thinkers with whom Burke was personally acquainted and whose social theory, as Chris Berry argues, prefigures aspects of Burke's arguments.¹⁴ After reading William Robertson's *History of America*, Burke wrote that he had always thought, "that we possess at this time very great advantages towards the knowledge of human Nature."¹⁵ As C. R. Fay and Dunn highlight, Burke and Adam Smith were known admirers of each other's work and were in many senses "complementary contemporaries."¹⁶ Similarly, Sean Donlan highlights that Burke was heavily influenced by Francis Hutcheson, was well acquainted with David Hume and was admired and in correspondence with various other prominent Scottish Enlightenment figures.¹⁷

¹² Burke & E. Burke, *An Account of the European Settlements in America: Volume II*, Kindle location 2670.

¹³ Dickinson, 'Britain's Imperial Sovereignty: The Ideological Case Against the American Colonists', *Britain and the American Revolution*, 65.

¹⁴ C. J. Berry, *Social Theory of The Scottish Enlightenment*, (Edinburgh: Edinburgh University Press, 1997), 23; W.C. Dunn, 'Adam Smith and Edmund Burke: Complementary Contemporaries', *Southern Economic Journal*, 7/3, (1941), 330-46; Burke described Adam Smith's *Wealth of Nations* as "probably the most important book ever written." C.C. O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke*, (London: Sinclair-Stevenson, 1992), 144n1; He was also rector of the University of Glasgow between 1783-1785.

¹⁵ E. Burke, 'To William Robertson' [9 June 1777], *The Correspondence of Edmund Burke: Volume III*, (ed.) G.H. Guttridge, (Cambridge: Cambridge University Press, 1961), 350-2.

¹⁶ Dunn, 'Adam Smith and Edmund Burke: Complementary Contemporaries'; C.R. Fay, *The World of Adam Smith*, (Cambridge: W. Heffer & Sons, 1960), 1-20.

¹⁷ S.P. Donlan, 'Law and Lawyers in Edmund Burke's Scottish Enlightenment', *Studies in Burke and His Time*, 20/1 (2005), 38-66.

Burke entered Parliament as part of the Rockingham Administration that replaced Grenville's, and immediately set about repealing the Stamp Act.¹⁸ The repeal focused on the taxes and on the harm done to trade, but did not mention the key issue of 'right'. The issue of right was prominent in the Colonists objections, but for many in Parliament was also at the very heart of the nature and organisation of the British Empire, which placed supremacy and sovereignty in the King and Parliament.¹⁹ The solution that was struck by the Rockingham Administration was to pass a declaratory act, setting out the sovereign authority of King and Parliament to "bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever,"²⁰ and then to repeal the Stamp Act that had caused such consternation. The Rockingham Administration lasted only a year,²¹ sending Burke into the position of opposition from which he was to operate for the majority of his career and bringing in a new administration that sought again to tax and regulate the Colonies through the Townshend Acts.²² This led to new round of protests from the Colonies that continued even after most of the duties were repealed in 1770 by the new Prime Minister, Lord North, who despite these early concessions, led Britain to war with the Colonies.

¹⁸ Grenville was disliked by King George, but things came to a head when Grenville, at the King's request, entered a bill that would allow the King to appoint a Regent in the event of him becoming incapacitated. The King had already started to show signs of illness, which were to affect him later in life. Grenville insisted in qualifying the bill that the King's mother not be named, for fear of the influence of Earl of Bute. The King managed to defeat Grenville on the floor of the house and shortly after he was replaced. Morgan & Morgan, *The Stamp Act Crisis*, 261-2.

¹⁹ Morgan & Morgan, *The Stamp Act Crisis*, 262.

²⁰ "AN ACT for the better securing the dependency of his Majesty's dominions in America upon the crown and parliament of Great Britain.

WHEREAS several of the houses of representatives in his Majesty's colonies and plantations in America, have of late, against law, claimed to themselves, or to the general assemblies of the same, the sole and exclusive right of imposing duties and taxes upon his Majesty's subjects in the said colonies and plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders, derogatory to the legislative authority of parliament, and inconsistent with the dependency of the said colonies and plantations upon the crown of Great Britain...be it declared...

That the said colonies and plantations in America have been, are, and of right ought to be. subordinate unto, and dependent upon the imperial crown and parliament of Great Britain; and that the King's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons of Great Britain, in parliament assembled, had, hash, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever.

II. And be it further declared...That all resolutions, votes, orders, and proceedings, in any of the said colonies or plantations, whereby the power and authority of the parliament of Great Britain, to make laws and statutes as aforesaid, is denied, or drawn into question, are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever."

²¹ For an account of the influence of the first Rockingham Administration on Burke see: L.S. Sutherland, 'Edmund Burke and the First Rockingham Administration', *The English Historical Review*, 47/185, (Oxford University Press, 1932), 46-72.

²² See: R.J. Chaffin, 'The Townshend Acts of 1767', *William and Mary Quarterly*, 27/1, (1970), 90-121; P.D. Thomas, 'Charles Townshend and American Taxation in 1767', *The English Historical Review*, 83/326, (1968), 3-51; P.D.G. Thomas, *The Townsend Duties Crisis: The Second Phase of the American Revolution 1767-1773*, (Oxford: Clarendon Press, 1987); D. Watson, 'The Rockingham Whigs and the Townshend Duties', *The English Historical Review*, 84/332 (1969), 561-565.

It was in the period leading up to and during the war with America that Burke's arguments became fully developed and his concerns increased. By 1774, Burke had become the leading intellectual voice of the Rockingham Whigs, and after William Dowdeswell's death in 1775, Burke became their primary speaker in Parliament and shaped the positions of the party.²³ Burke and the Rockingham Whigs maintained a position broadly sympathetic to the Colonists' predicament, and Burke even acted as an Agent for the New York Assembly.²⁴ For large periods of this time this position left them in clear opposition to public sentiment, and they were often publicly criticised in the press.²⁵

II. The Signs of Changing Times and the Origins of a Crisis

While Burke was a staunch opponent of any taxation of America by Britain, he was also firm supporter of the Declaratory Act, even speaking against Barré's amendment to leave out the term "in all cases whatsoever."²⁶ For Burke, the "unlimited nature of the supreme legislative authority" was "very clear and undeniable."²⁷ The King and Parliament as the sovereign authority of the British Empire must, out of definition, have a right to everything. This was an abstract right that existed as part of the ideal constitution and, as in all countries, there is a difference between the ideal and practical constitutions, which while confused by pedants is distinguished by men of sense.²⁸ It was clear to Burke that while the idea of the British Empire required Britain to be able to "bind all cases whatsoever," in practice this was not how the Colonies had been set up and how they operated. The rules of the practical constitution may not "follow from the rules of metaphysical reasoning but they must be the rules of government,"²⁹ and indeed the rules of metaphysical reasoning may produce the very reverse result from that intended.

²³ W.M. Elofson & J.A. Woods, 'Introduction', in E. Burke, *The Writings and Speeches of Edmund Burke: Volume III Party, Parliament and the American War*, (ed.) W. M. Elofson & J.A. Woods, (Oxford: Oxford University Press, 1996), 1-47.

²⁴ Lock, *Edmund Burke: Volume 1 1730-1788*, 309-15.

²⁵ A. Grant, *Our American Brethren: A History of Letters in the British Press During the America Revolution 1775-1781*, (Jefferson, NC: McFarland & Company, 1995).

²⁶ E. Burke, 'Speech on Declaratory Resolution' [3 February 1766], *Writings and Speeches of Edmund Burke: Volume II Party, Parliament, and the American Crisis 1766-1774*, (ed.) P. Langford, (Oxford: Oxford University Press, 1981), 48n.

²⁷ Burke, 'Speech on Declaratory Resolution', 47.

²⁸ Burke, 'Speech on Declaratory Resolution', 49.

²⁹ Burke, 'Speech on Declaratory Resolution', 49.

While rights may be maintained as part of the constitution, the change of time and circumstances can make the practical exertion of these rights impossible and inequitable. Indeed for Burke, their exertion may “clash with the genius and the very constitution that gives them or at least may clash entirely with liberty; and those who are not for governing with an attention to circumstances of times, opinions, situations and manners, they will not govern wisely, they cannot govern long.”³⁰ Metaphysical reasoning was not sufficient for Burke to ascertain the practical constitution of the British Empire, but neither was knowledge of pre-existing laws and law books, as their Ancestors, far from knowing how to govern America, did not even know of its existence.³¹ Burke also derided the suggestion that America be treated as an “English Corporation.” To acquaint America’s lack of representation with that of certain towns in Britain was preposterous; the very idea of drawing a parallel between towns in represented counties with a growing number of people separated from Britain by a “mighty ocean,” who have neither an actual nor even a possible part in government, could not have been a serious suggestion.³² Here Burke showed an early appreciation of the key questions regarding distance in the composition and governing of political communities that he was to tackle in thinking about empire in America and India.

For Burke, it was a mistake to think that the Colonies could simply be “blended or coalesced” into the existing statutes and forms of the British constitution, as they were created for the circumstances of people in Britain. Rather than oppressing the people with the weight of a gross dead body, Burke argued that the rule of their constitution should be drawn from their circumstances. These were Englishmen and as such they carried with them the customs, manners, and consequent expectations that were the underpinning of the British constitution. It was clear to Burke that as a society so distantly removed from Britain, the Colonies must have their own constitution taken from their particular circumstances. Britain had to trust that the Colonists as Englishmen, carrying the “images of the British constitution” into the “woods and deserts of America,” they would establish their society and government in this image and in doing so the bonds and interest of neighbourhood would keep them attached to Britain.³³

The question that America raised for Britain was not, how do you govern an empire, but how do you govern the British Empire? To be part of an empire, for Burke, one need only be made

³⁰ Burke, ‘Speech on Declaratory Resolution’, 49.

³¹ Burke, ‘Speech on Declaratory Resolution’, 49.

³² Burke, ‘Speech on Declaratory Resolution’, 49.

³³ Burke, ‘Speech on Declaratory Resolution’, 49-50.

subordinate, but to be part of the British Empire, Burke argues one must also be free.³⁴ Given the physical barriers between the two lands it was clear to Burke that to be free, America had to govern herself within the hierarchy of the British Empire. The relations and constitution of the British Empire could not be those of a state, rather what we find is that Burke is talking about the relations of a neighbourhood of blood or kinship. The Colonists were members of the family of Englishmen and just as British blood flowed through their veins, so did the British principles, manners and customs flow through their everyday lives, shaping their views and expectations of society and government. The relations between Britain and the Colonies were those of two societies of Englishman who, in sharing the most similar and common social and political order, felt the closest of bonds of neighbourhood. America, he argued, needed a constitution that interpreted the spirit of British constitution for the circumstances of America.

This image of a neighbourhood of blood encapsulates the idea that family resemblances should be there for all to see. As British colonies, Burke argued, America should grow to resemble the mother country and Britain should rejoice in the reinforcement of their principles at the sight of their likeness bringing liberty and happiness to another land. Such a neighbourhood creates clear rights and concerns in and between peoples, who in the case of Britain and the Colonies were essentially one people divided by an ocean. Burke argued that the King and Parliament must be the supreme legislature of the Empire and as such hold the ultimate authority, but this did not mean they reserved every power that was a consequence of that supremacy.³⁵ It was also clear in Burke's argument that just because a subordinate questions decisions of the sovereign body, does not negate its supreme position. Indeed this showed that the Colonies were members of an imperial neighbourhood and not possessions of an empire.

The relations of neighbourhood not only gave Britain a concern in American affairs and government, but also gave America a concern in British affairs and government. Burke's argument was that the Colonists should relate to their sovereign in the same way as the people of Britain did. By having the happy privileges of Englishmen imprinted on their minds, Burke argues, the Colonists would feel the dearest of all ties and would not feel themselves of secondary significance in the empire, something that Paine would come to highlight as a major

³⁴ Burke, 'Speech on Declaratory Resolution', 50.

³⁵ Burke, 'Speech on Declaratory Resolution', 47.

issue for Americans.³⁶ Burke argued that they looked very improperly on America if they saw only disturbances and not the grievances that the Colonists raised, as these grievances were not only those of the Colonies, but also those of Britain, and while they were ignored “the very foundations of this kingdom are sinking under us.”³⁷ At the heart of the idea of neighbourhood in Burke’s thought is the understanding that what affects one part, also affects and concerns the other members or parts of the neighbourhood. As such for Burke, when Britain neglected or treated America as secondary, they were damaging Britain both as an empire and a nation.

The imposition of taxes on the Colonies went against their right as Englishmen not to be taxed by a body in which they were not represented, and more importantly he argued, “[t]he system of government with respect to the plantations effectually excludes taxation.”³⁸ There was already an established order between Britain and the Colonies and it was on this foundation that any further relations and system of government must be based. Britain benefited from America through its trade, on which it held a monopoly, so to tax this trade would, he argued, only damage Britain’s interests.³⁹ When the Rockingham Administration repealed the stamp tax, it was Burke argued, a great step forward not just for America but also for Britain.⁴⁰ The celebrations in the Colonies were short lived as the Rockingham Administration was quickly replaced. The new Chancellor of the Exchequer, Townshend, reacting to the New York Assembly’s refusal to carry out the provisions of the American Mutiny Act, suspended the assembly and introduced a new package of taxes on American trade. George Grenville at this point also pressed for an “American Test Act,” that would force office holders to swear an oath to the imperial legislature.⁴¹

Burke’s reaction was one of sorrow and disgust, as evidenced by such annotations as “Parliament unfit” and “Ministry confused” in the margins of an early draft of one of his speeches.⁴² He argued that the act was ill-conceived, short-sighted and demonstrated an inability for public debate and parliamentary regulation to settle, any subject of intricate and delicate nature. The questions the Colonies had presented were an opportunity to advance and improve the British

³⁶ Burke, ‘Speech on Declaratory Resolution’, 48; T. Paine, ‘Common Sense’ [January 1776], *The Complete Writings of Thomas Paine*: Volume I, (ed.) P.S. Foner (New York: Citadel Press, 1945), 25-6.

³⁷ Burke, ‘Speech on Enforcement of Stamp Act’ [7 February 1766], *Writings II*, 52.

³⁸ Burke, ‘Speech on Repeal of the Stamp Act’ [21 February 1766], *Writings II*, 53.

³⁹ Burke, ‘Speech on Repeal of the Stamp Act’, 53-4.

⁴⁰ Burke, ‘Short Account of a Late Short Administration’ [1766], *Writings II*, 54-7.

⁴¹ P. Langford, ‘Introductory notes’ to, Burke, ‘Speech on Townshend Duties’ [15 May 1767], *Writings II*, 61; see also P.G. Thomas, *Revolution in America: Britain & the Colonies 1763-1776*, (Cardiff: University of Wales Press, 1992), 23-34; Chafflin, ‘The Townshend Acts of 1767’.

⁴² Burke, ‘Speech on Suspension of New York Assembly’ [13 May 1767], *Writings II*, 58.

system of government by considering how it had been extended to an imperial neighbourhood, which created a political community between Britain and the Colonies.

Under Rockingham, Burke felt Britain had taken the first small steps towards tackling these questions, but this groundwork was completely undone by the violent, unjust and ineffective plan created by Townshend, Grafton and others who courted popularity.⁴³ To tax the Colonies again was not only bad government and policy, but it demonstrated a lack of understanding of the practical constitution of the British Empire, and underestimated the affect that damaging this part of the Empire would have on British shores. By forcing men to pledge oaths, Britain merely demonstrated the lack of trust Parliament had in the Colonists. While it may not be easy to find the cause of obedience to government, he argued that “a Test never made a principle,” and these tests would only raise “universal alarm” in America.⁴⁴ Whole nations, he continued, remained obedient without principles or policies of obedience being required because they operate on a trust that they will act according to the established practices and manners of the neighbourhood as it is part of who they are. Men will happily live peaceably though habit and necessity even without leaders, but the moment a principle is forced upon them and they realise that they are not trusted, they will resist and shake their allegiance.⁴⁵ The closest kind of neighbourhood relations existed between Britain and the Colonies because their way of life and their expectations were essentially the same. The introduction of physical distance changed this very little for Burke, and he was clear that as Englishmen, the Colonists had a right to be free that they should not and would not surrender. The practical constitution of the Empire already existed, the question was whether Parliament would build upon it, or attack the core principles and practices that underpinned British society and government, by going against it.

III. Present Discontents, the Straining of a Constitution

America was not the only concern facing Britain moving into the 1770s. In India, the East India Company's actions were raising serious questions, and within Britain there was a major crisis surrounding the Middlesex election of John Wilkes that concerned the rights of Parliament and

⁴³ Chafflin, ‘The Townshend Acts of 1767’, 90.

⁴⁴ Burke, ‘Speech on Townshend Duties’ [15 May 1767], *Writings II*, 63.

⁴⁵ Burke, ‘Speech on Townshend Duties’, 63.

the rights of voters.⁴⁶ Against this background, Burke wrote *Thoughts on Present Discontents*, addressing the underlying problems of politics since the succession of George III.⁴⁷

From the start of his enquiry, Burke established that in times of “tumult and disorder” the law invests every man with the authority of a magistrate so that if the affairs of the nation are distracted, private people are justified by the spirit of the law in stepping out of their ordinary sphere.⁴⁸ He was clear that such actions are likely to displease the rulers of the day, but in “all exertions of duty something is to be hazarded.” In identifying a mischief people are of service to government, as he argued, government should always be deeply interested in everything that even despite temporary uneasiness, may compose the minds of the subject, and conciliate their affections.⁴⁹ What Burke highlighted here was the concern that people feel for the operation of the neighbourhoods of which they are part and the duty each member has for ensuring that mischiefs are identified and dealt with. This is the same argument that Burke was to make in reaction to the tumult and disorder caused by revolutionary France in the neighbourhood of Europe twenty years later.⁵⁰

Burke is very clear that he is not interested in the “abstract value of the voice of the people.”⁵¹ He does not attach a magical property to that voice, but equally it cannot be ignored. People will always complain about the age in which they live, the current possessors of power and lament the past while producing extravagant hopes for the future. This, for Burke, is the common disposition of mankind, as such complaints and humours have existed in all times. These complaints are not always the sounds of what Burke calls the “general infirmity of human nature.”⁵² They are sometimes the noise of a particular malady or disorder of the age and circumstances. As all times are different, true political sagacity is seen in those people who are able to distinguish between these general and particular complaints and identify not only the problems of an age, but also the means by which to overcome and learn from these challenges.⁵³

⁴⁶ P. Maier, ‘John Wilkes and American Disillusionment with Britain’, *The William and Mary Quarterly*, 20/3 (1963).

⁴⁷ P. Langford, ‘Introductory notes’ to Burke, ‘Thoughts on Present Discontents’ [1770], *Writings II*, 242.

⁴⁸ Burke, ‘Thoughts on Present Discontents’ [1770], *Writings II*, 252.

⁴⁹ Burke, ‘Thoughts on Present Discontents’, 252.

⁵⁰ E. Burke, ‘First letter on a Regicide Peace’ [1796], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R.B. McDowell, (Oxford: Oxford University Press, 1991), 250-1.

⁵¹ Burke, ‘Thoughts on Present Discontents’, 252.

⁵² Burke, ‘Thoughts on Present Discontents’, 252-3.

⁵³ Burke, ‘Thoughts on Present Discontents’, 252-3.

The discontents of his time indicated to Burke that there was something alarming in the present state of affairs in Britain, and he argued this was recognised by all both in and out of power. Describing the desperate nature of the situation, he argued that the government was simultaneously dreaded and held in contempt; its laws stripped of both reverence and authority; its inaction ridiculed and its exertion abhorred; their foreign politics as deranged as their domestic; and Britain's colonies slackened in both affection and obedience.⁵⁴ He argued that Britain under the administrations appointed by George III had come to be governed by a faction ruling in the private inclinations, against the general sense of the people, undermining the foundations of their freedom.⁵⁵ To counter this problem, he argued that those who govern the country needed to have their attention brought back to public opinion and the constitution restored to its original principles. He stressed the importance of an independent House of Commons in fulfilling this task. If Britain continued to be governed by men pursuing private interest, he warned they would be either "hurried into all the rage of civil violence" or "sink into the dead repose of despotism."⁵⁶

The ill effects of the Britain's Government continued for Burke even after Lord North's administration came to power in 1770 and set about repealing the Townshend duties, as they retained the duty on tea to assert Parliament's right to tax the Colonies. The Colonists' discontent soon turned to outrage with the passing of the Tea Act in 1773 and boiled over in the Boston Tea Party later that December.⁵⁷ Burke found himself once again addressing the subject of American taxation nine years after it had first been raised. This was not lost on Burke, who argued that Parliament's continued "circle of occasional arguments and temporary expedients" had placed the peace and posterity of the whole British Empire in danger.⁵⁸ It was not due to lack of invention, reason or even experience, these had all been clear in Parliaments debates; rather it was the obstinacy of some men that was preventing an amicable resolution to this dispute. In repealing the Stamp Act they had shown how good relations between the Colonies and the motherland could be established and maintained, that Parliament need not tax the Colonies to retain their allegiance and subordination, and that greater revenue is received from the Colonies by not taxing them. The repeal of the Stamp Act had shown that Parliament recognised "taxes of this kind were contrary to the fundamental principles of commerce on

⁵⁴ Burke, 'Thoughts on Present Discontents', 253.

⁵⁵ Burke, 'Thoughts on Present Discontents', 321.

⁵⁶ Burke, 'Thoughts on Present Discontents', 322.

⁵⁷ Langford, 'Introduction' to Burke, 'Speech on American Taxation', *Writings II*, 407-8; Thomas, *Revolution in America*, 30-47.

⁵⁸ Burke, 'Speech on American Taxation' [19 April 1774], *Writings II*, 409.

which the Colonies were founded; and contrary to every idea of political equity; by which equity we are bound, as much as possible to extend the spirit and benefit of the British constitution to every part of the British dominions.”⁵⁹ That is, they recognised that they were concerned with men who shared the same customs and manners of government and society and so the spirit of the British constitution was as much invested in their colonial neighbours as it was in the inhabitants of Britain.

The tax on tea was not justified or expedient for Burke on political or commercial grounds. This was not because it was not payable because at threepence per pound, the duty was easily paid. The point that the tea duty raised was that no commodity would carry a single penny of duty when the “general feelings of men are irritated, and two millions of people are resolved not to pay.”⁶⁰ This was well known to Parliament as it was the historic position and right of all Englishman. Referring to John Hampden, who opposed Charles I’s imposition of ship money, he highlighted that this famous stand was not based on the cost of the twenty shillings that he could have easily paid, but about the principle on which it was demanded, one which would have made Hampden a slave.⁶¹ Just as Hampden refused to be a slave to the King, so too would the Colonists, holding this dear to their hearts as Englishman, not be made slaves. In 1641, Parliament had acknowledged the illegality of ever imposing such taxes on Englishmen and for the current Parliament to go directly against this fundamental right of any Englishmen anywhere was to undermine it for all everywhere.⁶²

For Burke, what secures peace within a community such as the British Empire is not coercive force or legislation, but rather the affection and trust established over time through the concern that each person practices in common customs and manners of those communities in which they take part.⁶³ The imperial community that existed between Britain and America was a neighbourhood because they were related in blood, and so shared the same inheritance of society

⁵⁹ Burke, ‘Speech on American Taxation’, 439.

⁶⁰ Burke, ‘Speech on American Taxation’, 417.

⁶¹ Ship money was first levied by the Crown in medieval times on coastal towns for naval defence in times of war. Charles I revived ship money in 1634 and by 1636 attempted to levy it as a general tax. This led to much resistance and opposition, most notably by John Hampden, a wealthy land owner who refused the tax. Hampden was heard at the Court of Exchequer Chamber, and he lost by a decision of 7-5 among the judges. However the long Parliament in 1641 overturned this judgement declaring it ‘contrary to the laws and statutes of this realm’. D.L Keir, ‘The case of Ship-Money’, *Law Quarterly Review*, 52/4, (1936), 546-74; C. Russell, ‘The Ship Money Judgement of Bramston and Davenport’, *The English Historical Review*, 77/303, (1962), 312-8.

⁶² Burke, ‘Speech on American Taxation’, 417-8.

⁶³ Burke, ‘Speech on American Taxation’, 423.

and government contained in the British constitution.⁶⁴ While the extension of neighbourhood over the Atlantic meant some new forms and systems of government had to be established, the rights of Englishmen throughout this community had not changed. There was a settled arrangement for the relations of the British Empire based on the Act of Navigation, which operated from 1660 to “the unfortunate period of 1764.”⁶⁵ This “corner-stone” of British policy was “purely commercial” and “wholly restrictive,” giving Britain a monopoly of America’s trade that operated through an innumerable number of checks and counter-checks, acting as an infinite number of paper chains by which the Colonies were bound together.⁶⁶

Far from being a system in America’s favour, the settled system was heavily weighted towards Britain. It was a hard system that the Colonists lived under because it was there from the beginning, and as such Burke argued men bear “the inevitable constitution of their original nature with all its infirmities.”⁶⁷ This was, for Colonists, the neighbourhood and family in which they were born, which provided them with the privileges and securities that allowed them to progress like “nothing in the history of mankind.”⁶⁸ Until the present crisis, Burke argued they had no reason to question this relationship; however it was of little surprise that the imposition of taxation on top of the monopoly of trade had caused discontent among both Colonists and those most connected to them because it created a situation of “uncompensated slavery.”⁶⁹ The disorder, tumults and even insurrection in the Colonies were clearly aimed at the imposition of these taxes, and this indicated a mischief in the measures and not in the people who were defending their established, practiced rights as Englishmen.⁷⁰

The questions of rights and boundaries at the heart of the dispute were metaphysical distinctions raised by Britain and not America. It was Britain who had attempted to introduce a new right and viewed the exercise of established rights as rebellion. As the imperial sovereign, the King and Parliament had the theoretical right to taxation, but the established precedent and practice of imperial governance all but forbade it. On the surface, the Colonists’ practice of their rights and privileges against the commands of Parliament looks like a denial of the supreme sovereignty, but, Burke argued, if treated correctly, it could be recognition of that supremacy and a

⁶⁴ E. Burke, ‘Reflections on the Revolution in France’ [1790], *Writings and Speeches of Edmund Burke: Volume VIII The French Revolution 1790-1794*, (ed.) L. G. Mitchell, (Oxford: Oxford University Press, 1989), 81.

⁶⁵ Burke, ‘Speech on American Taxation’, 426.

⁶⁶ Burke, ‘Speech on American Taxation’, 426-7.

⁶⁷ Burke, ‘Speech on American Taxation’, 428.

⁶⁸ Burke, ‘Speech on American Taxation’, 429.

⁶⁹ Burke, ‘Speech on American Taxation’, 430, 437-8, 446-8.

⁷⁰ Burke, ‘Speech on American Taxation’, 444-5, 459.

strengthening of the imperial bonds of the neighbourhood.⁷¹ Burke's solution was quite simple: "leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it."⁷² The imperial connection had served both Britain and America well and raising these metaphysical questions only served to damage the established wisdom of the neighbourhood, which had brought the connection about. If the government remained determined to press this tax and their right, it was clear to Burke that through these "subtle deductions" they poisoned the source of government and brought about consequences odious to those they governed. So, by insisting on "the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself into question."⁷³ If you forced the Americans to choose between sovereignty and their freedom "they will cast your sovereignty in your face. Nobody will be argued into slavery."⁷⁴ The dual burden of unlimited monopoly and unlimited revenue would be seen by "the Englishmen in America" as slavery, "that it is *Legal* slavery, will be of no compensation, either to his feelings or his understanding."⁷⁵

While the situation of the Colonies raised new questions, Burke argued in his *Speech on Conciliation with America* that they were not without constitutional precedent on which to draw. Highlighting the examples of Ireland and Wales, he argued for a long time these were places and people that were in state of violence and discontent, and British arms could do little to overcome them. But when the British constitution and the rights of Englishmen were extended to them the tumults subsided and "peace order and civilisation, followed in the train of liberty."⁷⁶ He also highlighted the cases of Chester and Durham, in which each town successfully applied to the King for representation in Parliament, arguing that the absence of a representative from their area meant they suffered losses and damages in their lands and bodies as well as in the good civil and political governance of their county.⁷⁷ But Burke did not propose representation for the Colonies, as this was made practically impossible by the natural barriers that separate the two great countries.⁷⁸ Still for Burke, this precedent for rights and representation remained.⁷⁹ A new

⁷¹ Burke, 'Speech on American Taxation', 456-61.

⁷² Burke, 'Speech on American Taxation', 458.

⁷³ Burke, 'Speech on American Taxation', 458.

⁷⁴ Burke, 'Speech on American Taxation', 458.

⁷⁵ Burke, 'Speech on American Taxation', 458.

⁷⁶ Burke, 'Speech on American Taxation', 459-61; E. Burke, 'Speech on Conciliation with America' [22 March 1775], *The Writings and Speeches of Edmund Burke: Volume III Party, Parliament and the American War*, (ed.) W. M. Eofson & J.A. Woods, (Oxford: Oxford University Press, 1996), 139-43.

⁷⁷ Burke, 'Speech on Conciliation with America', 143-5.

⁷⁸ As Conor-Cruise O'Brien highlights, Burke also opposed the seating of American representatives as it would mean seating slave owners, which was totally unacceptable to him. O'Brien, *The Great Melody*, 91.

⁷⁹ Burke, 'Speech on Conciliation with America', 144-51.

means for granting these rights to America had to be sought, but Britain could be safe in the knowledge that this would be a new application of an old principle and not something new and untried in the world. This, Burke argued, was the only way that Britain could hope to keep America without bringing about calamity.

IV. An Empire of Blood not in Blood

For Burke, an empire was what he called an “aggregate of states” with all the parts having local identities and privileges, but ultimately all relating in their particular ways to each other as part of a whole.⁸⁰ It was clear for Burke that the imperial relationship between Britain and the Colonies was that of family, the closest bonds of neighbourhood, with the subordinate America taking its lead in virtually all areas from Britain in a manner analogous to that of parent and child. These were colonies established by Englishmen upon the only principles, customs and practices that they knew, all of which were developed through the connection with Britain and under its guidance. America could look to the established nation of Britain for guidance and assistance and, by looking at the development of America, Britain could learn of their own constitution and find comfort and even joy in their success and prosperity. This family connection created the closest bond of neighbourhood because when one looked at the other it saw, as near as possible, itself.

Burke was not alone in appreciating the familial nature of the relationship between Britain and America, as a common analogy for this relationship was that of parent and child.⁸¹ This analogy appeared also in Paine’s *Common Sense*, and it is evident that both Burke and Paine saw a clear basis for it; they also shared a concern for the manner in which it was employed by others.⁸² Burke highlighted Lord Carmarthen’s use of the analogy to exclaim in Parliament how awful it was that a child can revolt against its parents, and that the Colonists claim that they were not free was nonsense as places like Manchester have no representation and yet enjoy liberty.⁸³ For Burke there was something very wrong with this view of the familial nature between Britain and America and its implied strict obedience. In reply and referring to scripture Burke asked, if our children ask for bread, are we to give them a stone; meaning we not only refuse our children the

⁸⁰ Burke, ‘Speech on Conciliation with America’, 132-3.

⁸¹ Burke, ‘Speech on American Taxation’, 459.

⁸² Paine, ‘Common Sense’, 19.

⁸³ Burke, ‘Speech on American Taxation’, 459.

sustenance they require, but torture them with an object that resembles it.⁸⁴ Rather than giving rights and liberties to the Colonies, Britain gave them a stone, a mere appearance of these privileges and like a child biting into the stone, these rights, when exercised have hard and painful consequences. Burke's use of this biblical reference is intended not only to argue that this was evil, but also to evoke the lines that follow: "so in everything, do to others what you would have them do to you."⁸⁵ This principle of reciprocity is central to Burke's thoughts on politics and in particular to his ideas of neighbourhood, from these early considerations of empire right through to his articulation in response to the French Revolution of the law of the neighbourhood. Men are never wholly independent and so always have responsibilities to those around them.⁸⁶ What America was trying to do was "assimilate to its parent, and to reflect with true filial resemblance the beauteous countenance of British liberty."⁸⁷ This should have been seen as a great thing, the ultimate flattery and support for British principles, but instead, as Burke highlighted, they offered America the shameful parts of the constitution. He asked, "are we to give them weakness for their strength; our opprobrium for their glory; and slough of slavery, which we are not able to work off, to serve them for their freedom?"⁸⁸

For Burke, the filial nature of this relationship rather than implying rights of obedience implied a duty of care and concern for their children in America. The obedience of a child should not come from constant chastising, but rather from the respect and trust created by the parent in the child through their guidance and protection. You do not raise your child to be your slave, but rather by showing them guidance, love and affection; by sharing with them all the wisdom and ways of operating well in the world, you create a stronger bond of obedience than any force can engender. The neighbourhood connections between Britain and America placed a concern for the other in each, but this was also not an equal relationship. We find in Burke the argument that Britain, as the elder state, had a responsibility to nurture the manners and principles of good governance in the younger state. If mistakes were made they should be corrected, but it does more good to correct in an instructive manner than a punitive one. America's progress and prosperity should not be seen as an opportunity for profit by the parent, but rather in seeing their reflection in their children, it should be a point of pride and affirmation of the principles that were instilled in the child. When shameful parts of the constitution are uncovered through

⁸⁴ Burke, 'Speech on American Taxation', 459; Matthew 7:9.

⁸⁵ Matthew 7:12.

⁸⁶ Burke, 'First letter on a Regicide Peace', *Writings IX*, 249.

⁸⁷ Burke, 'Speech on American Taxation', 459.

⁸⁸ Burke, 'Speech on American Taxation', 459.

this relationship, far from gaining a short term advantage through their practice, Burke's argument was that Britain should be grateful for the opportunity to remove them forever. In essence, while Britain as the elder state and head of the empire should take the lead, it would be hubris to assume that they cannot also learn from America, especially as they developed into a more established political community.

The imperial rights of Britain were never challenged by America, until Britain herself brought them into question.⁸⁹ There was never any conflict, for Burke, between British imperial rights and the privileges that the Colonists ought to enjoy under these rights. Parliament, for Burke, had two roles or capacities: the head of the local legislature of the land and the "imperial character" that considered their "nobler capacity." Burke saw this as an overwatch capacity, a superintendentship of the inferior legislatures of the British Empire that were coordinate to each other.⁹⁰ Without this, Burke asserts, they can neither "preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the over-ruling plenitude of her power."⁹¹ This idea of empire was clearly a form of neighbourhood for Burke, as it was about the mutual nature of assistance, justice and peace, where the introduction of a new element affects not simply one part of state but the whole of the neighbourhood. What Burke later described as the right of vicinage and law of the neighbourhood was central to all the proceedings of an empire and it was quite clear that while Britain, through Parliament, had a sovereign right to everything within the Empire, there was also a right of the Colonists against the new inventions and erections of the sovereign and other members of the imperial neighbourhood.⁹²

Until this period, Burke observes, all authority in America, even the popular parts, seemed as an emanation from Britain.⁹³ When Britain determined to experiment and raise revenue, further insisting that none but obedient assemblies shall sit, all legal channels for the Colonists to voice their views were stopped and great violence was there only resort. This was a clear violation of the law of the neighbourhood and as the judge, in the form of Parliament not only would not listen but was the source of the unwanted innovation, it was left to the American part of the neighbourhood to put a stop to such a dangerous mischief. As a result of this inattention some

⁸⁹ Burke, 'Speech on American Taxation', 458.

⁹⁰ Burke, 'Speech on American Taxation', 459-60.

⁹¹ Burke, 'Speech on American Taxation', 460.

⁹² Burke, 'First Letter on a Regicide Peace', 250-1.

⁹³ Burke, 'Speech on Conciliation with America', 126.

provinces of America set up their own governments that were able to sufficiently maintain and protect the rights and privileges they had come to expect as Englishmen. Burke highlighted that this government, according to the reports to Parliament, was infinitely better obeyed than the one that Britain offered them.⁹⁴ The danger to Britain's sovereignty was clear. As the Colonists could now ask why they could not enjoy the advantages of order they had found in the midst of their struggle for liberty. It was clear that those who argued that a complete submission would be enforced, at the first sign of anarchy in America, had been proved wrong.⁹⁵

Britain's experiments in America had failed and for Burke it was essential to learn from this. Many principles previously thought to be infallible were not; they were either not as important as imagined or overruled by other, more powerful principles that had been ignored.⁹⁶ Britain, he argued, needed to learn this lesson quickly and put a stop to these experiments, as they not only endangered America but threatened Britain as well. "For in order to prove, that the Americans have no right to their Liberties, we are every day endeavouring to subvert the maxims, which preserve the whole Spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of Freedom itself."⁹⁷ Again, the neighbourhood aspect of Burke's thought highlights his view that you cannot change established principles and practices in one place without it affecting and being a concern to all of those who share in them. The crisis with America had clearly demonstrated, for Burke, the fundamental principle of neighbourhood, that you cannot act one way in one area of your affairs and expect it not to reflect on the others. If you attacked the principles of liberty that the Colonists tried to claim, then you also attacked the claim to the same principles made by people in Britain. Burke's view was that if this was not clear in the constitution before, it should now be placed at the very heart and made secure by being put into immediate practice.

Acting in error in regards to America, Britain had ignored well founded requests and in doing so had treated all of America as if it were individual men or bands of men who had disturbed the order of the state. For Burke, what the Colonists had done was not a criminal act but rather civil dissension, the kind of dissension that Burke thought was the duty of every person when they saw the current administration in error.⁹⁸ An empire cannot exist and will not survive without

⁹⁴ Burke, 'Speech on Conciliation with America', 126.

⁹⁵ Burke, 'Speech on Conciliation with America', 127.

⁹⁶ Burke, 'Speech on Conciliation with America', 127.

⁹⁷ Burke, 'Speech on Conciliation with America', 127.

⁹⁸ Burke, 'Thoughts on Present Discontents', 252-3.

great questions being raised, causing agitation in the several communities that compose it.⁹⁹ It is the concern that individuals and groups feel for the conduct and actions of their neighbours—that is the source of this agitation. The neighbourhood is based on established common elements and a shared social and political order. When something enters the neighbourhood that differs or even threatens these common elements it is the function of the neighbourhood to judge, and if necessary, repel it. Burke's idea of empire is one premised on each part having an interest and affection for the whole and a respect and concern for the different practices and privileges of the parts, all of which is protected by mutual neighbourly concern.

“Perhaps, Sir I am mistaken in my idea of an empire, as distinguished from a single State or Kingdom. But my idea of it is this; that an Empire is the aggregate of many states, under one common head; whether this head be a monarch, or a presiding republick. It does, in such constitution, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities.”¹⁰⁰

The line between exercising privileges and disobeying the supreme power is very fine for Burke and often leads to disputes. He argues that such disputes, and in particular the insistence of privilege, are far from being a denial of supreme authority but rather support it, as by definition claiming privilege implies superior power.¹⁰¹ In Burke's idea of a British Empire, while the common head operates as the supreme power, it must act in accordance with the constitution and for Britain this means the spirit of the constitution as realised through the practical constitution must be the superior power. Practical constitutions are not created by one man or group but are produced through the practice and continual reform of government in people's everyday lives and actions.¹⁰² An understanding of neighbourhood relations is vital for Burke's vision of empire because in such a large and complex political community, it is necessary to understand how the various parts are mutually constituted, and due to their close social proximity, how they maintain a concern with each other, even over great distances.

⁹⁹ Burke, 'Speech on Conciliation with America', 132.

¹⁰⁰ Burke, 'Speech on Conciliation with America', 132-3.

¹⁰¹ Burke, 'Speech on Conciliation with America', 132-3.

¹⁰² Burke, 'Speech on Conciliation with America', 156-7.

All government—and beyond that every human benefit, virtue and prudent act—Burke argues, is founded on “compromise and barter.”¹⁰³ There must be a balance in the privileges and inconveniences that all men feel, and some rights must be remitted in order for others to be enjoyed. In expressing this, Burke articulated a commonly held understanding of government in the eighteenth century, but took this further, arguing “as we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire.”¹⁰⁴ For Burke, in order to feel the advantage of empire found in the communion beyond states and nations, we must be prepared to let go of some of the civil liberties established as part of the national community; we must be prepared to give up our notions of being totally separate and independent from these others and realise that they too have a concern in our affairs. Indeed this was already the state in which peoples lived, and an empire was a better way to realise and bring order to this facet of people’s lives and political communities. Central to his thinking here was the neighbourhood precept that people and communities never have perfect masters even within their own limits. What he also made clear was that what is given up must be worth the price paid and it was a price too dear if all our essential rights and the intrinsic human dignity of our human nature were to be given up for even the greatest of empires. The question Burke then leaves was, what is it worth to form a great empire? And, in the same vein, what is it that empire offers in return for the civil liberties sacrificed, which liberties must be sacrificed and why? What Burke was clear about was that no matter how great the potential benefits of empire might be, the risk was too great to build a system of liberty based on theory and imagination alone. Burke was among those who felt the constitution needed many improvements, but he could never contemplate changes that meant disturbing the whole country and putting all that was dear to Englishmen at risk.¹⁰⁵

Burke was very clear that the Colonists clung to Britain and the Empire for the same reason the people of Britain did: the privileges and liberty afforded to them by the British constitution. These were not a separate people or even some distant relatives; the Colonies were Englishman and as such they were family. He argued, “[m]y hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges and equal protection. These are ties, which, though light as air, are as strong as links of iron.”¹⁰⁶ These are

¹⁰³ Burke, ‘Speech on Conciliation with America’, 157.

¹⁰⁴ Burke, ‘Speech on Conciliation with America’, 157.

¹⁰⁵ Burke, ‘Speech on Conciliation with America’, 157.

¹⁰⁶ Burke, ‘Speech on Conciliation with America’, 164; W. Shakespeare, ‘Julius Caesar’, *The Complete Works of William Shakespeare*, (ed.) W.J. Cragg, (London: Henry Pordes, 1984), Act I Scene iii, 892.

the closest bonds of neighbourhood, those of blood, of family, of children, of parents of brothers and of sisters. When a Colonist spoke of liberty they did not speak of some metaphysical concept. They meant liberty as practiced and as secured through the British constitution. The bonds created by such relations, Burke argued, do not require positive law and force to create and secure them; they exist and bind more strongly than any law or army can do. Burke warned that Britain, by denying the Colonists their rights and privileges, had shaken these bonds and once they resolved that they no longer shared mutual relations with Britain then “the cement is gone; the cohesion loosened; and everything hastens to decay and destruction.”¹⁰⁷ It was not enough that America was prosperous under British rule; they could have been prosperous under French, Spanish or even self-rule. It was clear to Burke that “[s]lavery they can have any where. It is a weed that grows in every soil.”¹⁰⁸ What Britain could offer was freedom. This was a valuable commodity of which Britain had a monopoly. If this was not to be offered, and Britain was to treat the Colonists as if they were slaves and not brethren, then discontent and rebellion were inevitable, and the Empire would be one of bloody war and not one secured by the blood of family.

V. The Move to Independence

For Burke, Britain had “established the foundations of a New kind of Empire upon Earth,” one that had allowed them to humble every power they dreaded, establish new balances of power in Europe and become the most prosperous nation on Earth.¹⁰⁹ The source of this greatness, for Burke, was the spirit and power of the constitution, which made it an empire built on liberty and rather than avarice. He observed that the success and prosperity achieved on the back of British liberty had been the ruin of those in power. They had been too proud and insolent in their relations and policy towards their dependencies and too “careless and inattentive” in their affairs and governance at home.¹¹⁰ It was through rashness that Britain had reached its present troubles, and Burke was certain that it was not through further haste that they would find their way out of them. What he found most deplorable about this situation was not the dispute itself, both Britain and America had reason behind their positions, rather it was the constant repetition of the “same effects arising from the same faults” with no variation other than an increase in the evils that

¹⁰⁷ Burke, ‘Speech on Conciliation with America’, 164.

¹⁰⁸ Burke, ‘Speech on Conciliation with America’, 164-5.

¹⁰⁹ Burke, ‘Second Speech on Conciliation’ [16 November 1775], *Writings III*, 201-2.

¹¹⁰ Burke, ‘Second Speech on Conciliation’, 202.

occurred with every repetition.¹¹¹ In Burke's speech there is a notable scornful anger at the complacency and flippancy with which successive Parliaments had treated their duty. For Burke, "government is of divine *institution* and *sacred* authority, and no *arbitrary device of men*, to be modified at their *pleasure* or conducted by their *fancies* or *feelings*."¹¹² Yet Parliament repeatedly went against both the settled practice of government in the Empire and the spirit of the constitution, by imposing taxes to settle an invented challenge to their imperial sovereignty.

Government was a trust for Burke, and every person that partook in that trust must be held accountable for their actions. There was, he argued, an "*eternal law* of human society" that every people's laws reflect and against which people must judge the actions of those who are given power in trust to protect.¹¹³ In this crisis, great expense in both money and British lives had not been weighed correctly against the disturbance, making the actions of government those of robbery and murder.¹¹⁴ Burke argued this was a usurpation that had thrown Britain into a cruel civil war. The government hid behind the words of the constitution, but for Burke no human constitution could abstract those in government from their responsibility, which was to act on the trust given to them from the people and from God.

When the Declaration of Independence reached Parliament, Britain was in a strong position and the mood among the members of Parliament was very unyielding.¹¹⁵ Burke, however, was adamant that a peaceful resolution founded on terms of mutual advantage must be pursued. For him, only a gross ignorance of human nature or a spirit of adulation would cause a person to represent to the King that the revolt of a whole people could happen without considerable errors in conduct towards them.¹¹⁶ Such a clear and united discontent could not simply be attributed to the murmurs and extravagant hopes that characterise the general infirmity of human nature, but rather the Colonists' grievances clearly identified a problem in the government of America as well as in the government of the "whole British race."¹¹⁷ While Britain may have had the power to make their brethren submit, to find peace through total conquest would have required a permanent army in America to keep the Colonists suppressed.¹¹⁸ For Burke such a notion was incompatible with the freedom of the British people, and he argued that any event that would

¹¹¹ Burke, 'Second Speech on Conciliation', 202.

¹¹² Burke, 'Second Speech on Conciliation', 208.

¹¹³ Burke, 'Second Speech on Conciliation', 209.

¹¹⁴ Burke, 'Second Speech on Conciliation', 208-9.

¹¹⁵ Burke, 'Amendment to Address' [31 October 1776], *Writings III*, 247.

¹¹⁶ Burke, 'Amendment to Address', 247.

¹¹⁷ Burke, 'Amendment to Address', 248.

¹¹⁸ Burke, 'Amendment to Address', 250.

“break the spirit of so large a part of the British Nation” must be looked at with the utmost shame and horror.¹¹⁹ The policy of the British government, Burke stated, was to force Americans into “abject unconditional submission,” to “annihilate their liberties” and “subdue them to servile principles and passive habits.”¹²⁰ It was evident to Burke that this could not be continued without dire consequences for the entire British nation. He made this clear in an early articulation of his law of the neighbourhood.

“For, though differing in some Circumstances, these very principles evidently bear so close a resemblance and exact analogy, with those which support the most valuable part of our own Constitution that we cannot, with an appearance of Justice, think of wholly extirpating them by the sword in any part of his Majesties dominions, without admitting consequences, and establishing precedents, the most dangerous to the Liberties of this Kingdom.”¹²¹

Here, Burke made explicit what he had been arguing throughout his writings on America. While the circumstances of America were different from those of Britain, the principles shared between the two lands created a neighbourhood of Englishman or the “British race.”¹²² The actions of Britain were akin to setting fire to your neighbour’s house or even their apartment in the same building. While Britain may not have been explicitly destroying the principles of their local constitution, it was the evident consequence of their actions. What was clear was that while the capacities on which Members operated were different, the constitution of Britain and the Empire were of the same branch of the constitutional tree. He argued in his *Address to the King* that the sense of the people should never be ignored by wise and beneficent rulers.¹²³ People are “too early instructed and too long habited” to the idea that “the seat of all authority is in the minds, affections, and interests of the people” to accept abstract claims or even rights based on the theoretical reasoning of speculative men.¹²⁴ Burke gave little countenance to arguments on either side of the Atlantic regarding abstract rights. What was clear to him was that neither he nor his colleagues could allow themselves, as true Englishmen or good citizens, to submit to a tax that they did not consent to either directly or through representation.¹²⁵ The distance of a settlement

¹¹⁹ Burke, ‘Amendment to Address’, 250-1.

¹²⁰ Burke, ‘Amendment to Address’, 251.

¹²¹ Burke, ‘Amendment to Address’, 251.

¹²² Burke, ‘Amendment to Address’, 248.

¹²³ Burke, ‘Address to the King’ [January 1777], *Writings III*, 258-76.

¹²⁴ Burke, ‘Address to the King’, 262-3.

¹²⁵ Burke, ‘Address to the King’, 263.

of Englishmen from Britain did not diminish the attachment to British privileges and principles, if anything it strengthened and made those privileges and principles more necessary, as these people must carry this part of their being with them.¹²⁶ For Burke, the physical distance in the imperial neighbourhood did not weaken the bonds between men, but rather required them to be strengthened. Because they were placed at a distance from the supreme power of the Empire, they had to cling to those certain foundations as a security against the abuses of subordinate authorities that were likely to increase with distance.¹²⁷ For Burke, while people may be less physically close in an imperial community, socially and politically they remained intimate, connected and concerned with one another. However he is clear that:

“When no means are possessed, of power to awe or to oblige, the strongest ties, which connect mankind in every relation Social and Civil, and which teach them mutually to respect each other are broken.—Independency from that moment virtually exists. Its formal declaration will quickly follow. Such must be our feelings for ourselves. We are not in possession of another rule for our brethren.”¹²⁸

Burke was not in favour of an independent America, but he was also clear that if the current conduct towards the Colonists continued, as Englishmen they had no other option than to seek separation, and he had no other choice but to wish this for his brethren.¹²⁹ It was also clear to Burke that as an Englishman and good citizen it was his duty to make clear to the King that there cannot be “different rights and different security in different parts of your Dominions.”¹³⁰ Only an “even platform” based on the general freedom of the people would create the confidence and affection that would give the Empire “immovable stability.”¹³¹

The establishment of the Colonies on principles of liberty was what Burke argued would render Britain “venerable to future ages” and distinguish them from their warlike ancestors and the warlike nations of their own time.¹³² The Colonies had not been conquered in a vulgar barbaric fashion and made imperial possessions, but rather were established through extending neighbourhood into the Colonies. In doing this, Britain had transformed the criteria by which

¹²⁶ Burke, ‘Address to the King’, 263.

¹²⁷ Burke, ‘Address to the King’, 263-4.

¹²⁸ Burke, ‘Address to the King’, 264.

¹²⁹ Burke, ‘Address to the King’, 264, 269.

¹³⁰ Burke, ‘Address to the King’, III, 274.

¹³¹ Burke, ‘Address to the King’, III, 274.

¹³² Burke, ‘Address to the Colonists’ [January 1777], *Writings III*, 282.

the greatness and glory of nations was measured, from the extent of territory conquered and plundered to the extent of the liberty brought to the world. By establishing colonies on the principle of liberty, they had not only secured this union for future generations but had shown the way for other peoples. For Burke, liberty was an active principle that needed to be continually affirmed against the temptation to fall back into the old practices of their ancestors for instant gain and gratification. The criterion of Englishmen was no longer a geographical one but rather was based upon a foundation of common liberty.¹³³ These principles, for Burke, were the true bonds of union in the Empire and he called for men on both sides of the ocean to cleave to them.¹³⁴

VI. Reaction, Reform and Destruction

In addressing the Colonists directly, Burke had to admit that Parliament may well have fallen from its “independent spirit” by taking partial decisions and neglecting its imperial superintending duties. But he also suggested to them that the constitution contained solid and well-disposed forms, which allowed Parliament to adapt and reform its principles to suit the changes that occur in the circumstances and manners of a people.¹³⁵ This was vital because “a state without the means of some change is without the means of conservation.”¹³⁶ The growth of the Colonies and the current dispute had for Burke demonstrated the need for reform of government.

“If our happy and luxuriant encrease of dominion, and our diffused population, has outgrown the limits of a Constitution made for a contracted object, we ought to bless God, who has furnished us with this noble occasion for displaying our skill and beneficence in enlarging the scale of rational happiness, and of making the politik generosity of this kingdom as extensive, as its fortune.”¹³⁷

This was not solely a task for the British Parliament, but a reform that must involve the people on both sides, in a conciliatory state of mind, to recognise the mistakes that had been made and

¹³³ Burke, ‘Address to the Colonists’, 282.

¹³⁴ Burke, ‘Address to the Colonists’, 282.

¹³⁵ Burke, ‘Address to the Colonists’, 284.

¹³⁶ E. Burke, ‘Reflections on the Revolution in France’ [1790], *Writings and Speeches of Edmund Burke: Volume VIII The French Revolution 1790-1794*, (ed.) L. G. Mitchell, (Oxford: Oxford University Press, 1989), 72.

¹³⁷ Burke, ‘Address to the Colonists’, 285.

create a lasting concord to bring freedom, happiness and glory to the British Empire.¹³⁸ The events stretching back over a decade had demonstrated quite clearly to Burke that the British constitution was unfit and inadequate to service its empire in its current form. While it contained within it the spirit necessary to govern an empire, successive Parliaments had failed to adapt the forms of the constitution to reflect the practice of the British neighbourhood. The expansion of the British Empire brought with it great opportunities, but these could only truly be great for Britain if these opportunities were taken. It was clear that, for Burke, one of the great issues and challenges of his age was the expansion of political communities around the world.

In tackling these new questions of political community, Burke was clear that concerning themselves with abstract ideas of how to maintain the “unity of the empire, and the identity or distinction of the legislative powers” was not going to produce practical results. Rather this would only inflame passions, and it was Parliament’s duty to soberly conform “government to the character and circumstances of the several people who compose this mighty and strangely diversified mass.”¹³⁹ This was not a question of choice or policy, it was simply the duty of Parliament to find an arrangement to govern the Empire upon British principles. The notion that this could be done using particular rules and laws created for Britain was one which showed little appreciation of the spirit of the constitution.

“I never was wild enough to conceive, that one method would serve for the whole; I could never conceive that the natives of *Hindustan* and those of *Virginia* could be ordered in the same manner; or that the *Clutchery* Court and the grand Jury of *Salem* could be regulated on a similar plan. I was persuaded that Government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity, to gratify the schemes of visionary politicians. Our business was, to rule, not to wangle; and it would have been a poor compensation that we had triumphed in a dispute, whilst we lost an empire.”¹⁴⁰

This is not merely a statement of how imperial government should be ordered, but how all government should operate. For Burke, empire serves not only a good but also a necessary role for the development of British government, as without the practical exercise of these sentiments

¹³⁸ Burke, ‘Address to the Colonists’, 285.

¹³⁹ Burke, ‘Letter to the Sheriffs of Bristol’ [3 April 1777], *Writings* III, 316.

¹⁴⁰ Burke, ‘Letter to the Sheriffs of Bristol’, 316-7.

and principles, they may never be properly realised. Even more importantly, they serve the purpose of progressing and keeping the British constitution and government vital and alive. It was not simply a choice between changing the current government and orientation of the constitution or keeping them. For Burke, if a constitution does not adapt to the ever changing circumstances, it becomes out of touch and will deteriorate. If we do not take account of changing circumstances, we end up corrupting our government, our principles, and the very spirit of our constitution and society.

It is exactly this kind of corruption that produced the policies so objectionable to the people of America and the neighbourhood of all Englishmen. Reflecting on the Crisis, he argued that the root of the problem had been the misconceived principle of unconditional surrender behind every policy towards America.¹⁴¹ Britain had abused the trust of government to such an extent that there was little hope left of continuing the union. The one thing that kept the possibility of a reunion alive between Britain and her Colonies was that despite their great efforts, American leaders had great trouble in bringing the American people around to the idea of declaring independence. They were helped in their cause when in the winter of 1775 the *Court Gazette* published a number of letters in favour of government policy that, for Burke, falsely purported the mind of Britain.¹⁴² These letters were a major factor in turning the sentiments of the American people, something Burke attributes in large part to the credence given to them by Thomas Paine whose celebrated pamphlet “prepared the minds of the people for independence.”¹⁴³ Burke concedes that if Paine’s arguments were correct, if he was right in his claims about the multitude and spirit of British feeling towards America, that they would have been irresistible. For Burke this was not an accurate representation of Britain’s spirit, but clearly was the sentiment that the government of Britain, from the beginning, had tried to promote by attempting to sway the minds of the British people against their fellow Englishmen in the Colonies.¹⁴⁴ That Burke saw this as a concerted effort or even plan on the part of members of the government shows how important he felt the neighbourhood relations of the Empire were. Before the American Colonies could be made servile to Britain, they needed to break the bonds of neighbourhood between these the peoples, so that in attacking the principles in America, it was not perceived as an attack on the principles at home.

¹⁴¹ Burke, ‘Letter to the Sheriffs of Bristol’, 304.

¹⁴² Burke, ‘Letter to the Sheriffs of Bristol’, 305.

¹⁴³ Burke, ‘Letter to the Sheriffs of Bristol’, 305-6.

¹⁴⁴ Burke, ‘Letter to the Sheriffs of Bristol’, 306.

The bonds and connection of neighbourhood could not be so easily dismissed for Burke. While it may have been the intention of some in government to discipline an unruly child, their misunderstanding of the object with which they were dealing did not alter the effects of the measures in America or in Britain. They had made war with the Colonies not only by arms, but by laws and as “hostility and law are not concordant ideas,” every measure they introduced trampled over “some maxim of justice, or some capital principle of wise government.”¹⁴⁵ Through the Boston Port Act, Massachusetts Charter, the Military Bill and a “long array of hostile acts,” Parliament had set up precedents that could never have been planted first on English ground.¹⁴⁶ Through the justification of American disturbances, these precedents had taken root in British laws, and the fruit of this legislation was to be tasted not by them, but by their children who would inherit these bitter laws.¹⁴⁷

This was demonstrated most clearly for Burke in the American Treason Act, which undermined one of the most fundamental parts of the British constitution by partially suspending *Habeas Corpus*. For Burke, this was not only contrary to principles of the British constitution, but also to “that species of hostile justice, which no asperity of war wholly extinguishes in the mind of civilised people.”¹⁴⁸ This Act infringed upon a principle of justice established more generally among human civilisation and as such was of concern not only to the British imperial neighbourhood, but to the neighbourhood of Europe and to any peoples who have an attachment to the security of established order among men.

The Act, he argued, had two main purposes: first to allow the administration to confine those it qualified as pirates, and second to allow the detention for trial in England for those who were deemed to have committed high treason in America. It was the latter that particularly concerned Burke as the Government had gone back to Henry VIII’s treason act, to provide a semblance of precedent for trying those outside of Britain for treason.¹⁴⁹ To try men under this Act was to condemn them unheard, as they were to be taken from another land, “vomited in to a dungeon,” produced for trial without a friend or witness for support and judged by men with no understanding of the local circumstances surrounding the case.¹⁵⁰ Within Britain, the main operative regulation of the bill was to suspend *Habeas Corpus* for all those who have been out of

¹⁴⁵ Burke, ‘Letter to the Sheriffs of Bristol’, 299.

¹⁴⁶ These were some of the acts that became known in America as the Coercive Acts or Intolerable Acts.

¹⁴⁷ Burke, ‘Letter to the Sheriffs of Bristol’, 299.

¹⁴⁸ Burke, ‘Letter to the Sheriffs of Bristol’, 290.

¹⁴⁹ Burke, ‘Letter to the Sheriffs of Bristol’, 292.

¹⁵⁰ Burke, ‘Letter to the Sheriffs of Bristol’, 292.

the realm or on the high seas within a given time. For Burke, this partial suspension was in many ways worse than a universal suspension of *Habeas Corpus*; liberty, as he understood it, was a general principle and a clear right of all subjects within the realm or of none. By creating partial freedom, the Act introduced “a most invidious mode of slavery,” but a mode easily admitted in times of civil discord. He argued that in times of fear people are apt to forget their own future safety, at the price of sacrificing their enemies. When the suspension of liberty and rights do not immediately threaten a person, they often fail to see the injustice and do not realise that while they are not the immediate victims they will often be the mediate victim of such invasions.¹⁵¹ This had been the case in Britain’s failure to protect the rights and privileges of their American brethren in the imperial neighbourhood, and as a result it was now appearing within the boundaries of Britain. The true danger for Burke comes when liberty is nibbled away for expedients, while each is a small bite that does not seem to affect most people, before too long a large bite has been taken and securities removed.

A precedent had now been set for Burke. For the first time a distinction was made between people within Britain. Previously every man setting foot upon British soil, including “Negro slaves” brought in from the Colonies, was as free as every other man. A line was drawn that he claims could be advanced further and further on the same argument. “There is no equality among us; we are not fellow citizens...Other laws may injure the community; this tends to dissolve it. It destroys *equality*, which is the essence of community.”¹⁵² Burke goes on to say that every man coming from abroad—whether from the Colonies, the West or the East Indies, whether travelling for one’s health and education or just as a mariner—are all under a proscription. Burke then goes on to say that there was no point opposing or amending the bill as anything with the name ‘America’ attached goes through as “every thing proposed *against* America is supposed of course to be *in Favour* of Great Britain.”¹⁵³ This Act not only separated any person who comes from abroad, but removed the *Habeas Corpus* rights of every single person who wished to leave the country. For Burke, this not only undermined one of the fundamental principles of the British constitution, but sent a message to every person in Britain that those outside of the island and anyone who would wish to have contact with the rest of the world are threats to British security. This was an attempt to destroy the very sentiments of common manners and shared principles that Burke argues are the basis of good neighbourhood

¹⁵¹ Burke, ‘Letter to the Sheriffs of Bristol’, 296.

¹⁵² Burke, ‘Letter to the Sheriffs of Bristol’, 297.

¹⁵³ Burke, ‘Letter to the Sheriffs of Bristol’, 298.

relations and so vital for the continued development of Britain and its empire.

Conclusion

From the beginning of Burke's engagement with the American Crisis, he realised the magnitude of the issues at hand and his arguments were as much focused on the situation in Britain as they were on the Colonies. The dispute over taxation raised larger questions for Burke about the constitution and relations of an imperial political community stretching three thousand miles across an ocean. In highlighting the distinction between the ideal and practical constitution of the imperial political community, Burke made clear his position that all political communities are the product of established practice and not design. What so alarmed Burke about the American Crisis was that the physical distance between Parliament and the Englishmen in America had caused the British government to treat the Colonists as if they were now socially and politically distant and thus were treated as if they were independent of and subordinate to other Englishmen. This, for Burke, could not be further from the truth because what constituted an Englishmen was not merely, or even primarily, their place of birth or country of residence, but rather there shared inheritance passed down to them from their ancestors and the common manners and character this created. While new political communities were developing in the Colonies, these were colonies of Englishmen and so subordinate to a larger imperial political community of Englishmen.

A neighbourhood, as it is understood here, identifies the elements that make a community of people close to one another, giving both the whole and the parts an identity and forming the foundation for the governance of the common aspects of people's lives. This is seen clearly in Burke's arguments about the function of discontent within a community. Despite his distain and suspicion of the "voice of the people," Burke was quite clear that when there is genuine tumult and disorder within a community, every member is justified in stepping out of their normal sphere and acting as a judge of those things that are constitutive of their way of life and very being. Such discontent was clearly being expressed by the Colonists, and what Burke recognised was that this was a concern not just for their own lives, but for the lives of Englishmen everywhere. What was being attacked was the common foundations of rights and privileges that all Englishmen shared, and that these could not be attacked in one part of a community, regardless of how physically distant, without attacking them everywhere.

These neighbourhood aspects of Burke's thought were also clearly evident in his theory of empire, and the vision he set out for how continuing an imperial union would benefit both Britain and America. Burke talked of empire as an aggregate of states, each with local identities and privileges, but ultimately relating to a whole. This was an idea of an imperial political community in which the parts are able to adapt to their particular circumstances, but are ultimately guided and governed by a larger sense of identity stemming from their participation in a larger whole. This is no different from how individuals and local communities operate in relation to national government. To guide the development of the imperial constitution and relations, Burke simply adapted the established, successful practice of politics within Britain and drew upon the governing relationship between the European neighbourhood and Britain.

While the imperial union of Britain and America was to end, it was not for lack of trying on Burke's part. While his arguments and warnings were not heeded, he nonetheless developed a clear idea of how the political community could sustainably be established over great physical distance. In basing an empire in the image of neighbourhood, Burke was not introducing some new conception of how to govern the world, but quite the opposite. He was calling for men to attend to the established system and principles of government both within Britain and the Colonies. Neighbourhood operates at all levels of political and social interaction and captures the collective responsibility, duty and concern for what occurs within a political community. For Burke, what Britain failed to grasp, was that to properly realise the principles that they held so dear in their constitution, those that brought them great liberty and prosperity, they needed to extend them to others beyond their narrow confines. America was an easy place for such extension. The British government should have looked at America and thought, "there sits my family they must have what I have." But instead of realising the Christian principle that "in everything, do to others what you would have them do to you,"¹⁵⁴ Britain was burning their neighbours house to cook their dinner, ignorant that the fire was also catching to their home.

¹⁵⁴ Matthew 7:12.

Chapter 4

India: A Neighbourhood of Strangers

Introduction

For Burke, the establishment of British authority and government in the Indian subcontinent raised new and serious questions and concerns for both the people of Britain and India. These were new political relations, with a distant land and between different peoples who were strange to each other, brought about through the actions of the British East India Company (EIC). The chapter argues that contained in Burke's attempt to understand this new political community and its relations is an image of it operating as a neighbourhood of strangers. Unlike the commonalities found in the relations between America and Britain through kinship and ways of life, these were new relations which brought the political systems of Britain and India into close proximity in spite of the different cultures, histories and ways of life of the two peoples. But in a similar way to America, the involvement in India and creation of a new political community for Burke, provided an opportunity for Britain to expand their relations with the world and utilise this experience to test and reform their constitution, customs and practices. Burke's writings on India, more than any other subject, pressed him to set out the foundations of his political beliefs and his theory of politics. Central to these arguments was a perception that it was no longer enough simply to think of politics through the narrow partiality of the nation, as political relations and even communities established over great distances were increasingly becoming a practical reality.

The chapter explores the development of Burke's ideas and arguments in relation to Indian issues, how he came to understand this new political community as a neighbourhood of strangers and the theory of politics and society that it revealed.

I. Sets out the historical and intellectual contexts for Burke's arguments regarding India.

- II. Examines Burke's initial reluctance for Britain to become involved in the affairs of the EIC and India, and the relationship between government and British corporations.
- III. Sets out why Burke was to change his position and become one of the most prominent advocates of government intervention in the EIC.
- IV. Examines how the neighbourhood aspects of Burke's thought were central to his ideas about how a British imperial community could become established in India, and what should guide British power, authority and government.
- V. Sets out Burke's theory of rights and examines the importance of neighbourhood in Burke's understanding of trust as the foundation of all rights, privilege, power and authority in the world.
- VI. Examines Burke's concern about the role that distance plays corrupting the relations of governance.
- VII. Examines Burke's arguments in the trial of Warren Hastings. It continues the discussion of distance and the fundamental basis of all rights, power and government which connect all people to one another. Finally, it examines Burke argument that Britain needed to provide the Indian people justice for the abuses of the EIC, and that by doing this they would extend their ideas, justice, and constitution beyond narrow partialities.

I. Context

While Burke came to view his work on India, which spanned almost two decades, as some of his most important,¹ he did not always express a deep concern with Indian affairs. In his early years in Parliament Burke's attitude towards the EIC was influenced by his concern for the Crisis in America where he saw successive administrations ignoring established practice and chartered rights, in order to pursue revenue. It was in the context of the EIC transformation that was taking place in this period, from a merchant to government in India that Burke's interest and concern grew. Burke's work on India forced him to consider and address issues not only at the heart of his political philosophy, but also central to contemporary intellectual debate. Burke was very aware of the growing discussion of the origin and nature of rights and the correct way to organise and structure government, and it was in the context of and in reaction to these debates that Burke made his arguments. One of the most central questions India raised for Burke and one at the heart of his neighbourhood ideas, was the question of what connections, rights and

¹ Burke, 'Letter to a Noble Lord' [1796], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R.B. McDowell, (Oxford: Oxford University Press, 1991), 159.

responsibilities existed or could become established between very different people. Burke was likely aware of arguments made by writers such as Smith and Hume, who highlighted that while we may express sorrow for the plight of distant people it will rarely affect us to the same extent as far lesser events closer to us.² But why then, they asked, do people so often choose the happiness of strangers over their own? It was these kinds of questions that Burke tackled in his concern for the plight of the Indian peoples, and in doing so addressed the universal aspects that underlay both his political thought and practice.

The EIC was first established in 1600 after it was awarded a charter granting monopoly of trade between Britain and India by Elizabeth I,³ and in 1613 the EIC was granted permission by the Mughal Emperor to set up a permanent trading station in Surat.⁴ For most of the seventeenth century it operated as a purely commercial company, but as the Mughal Empire entered a period of instability and then decline in the eighteenth century, the EIC needed to establish its own army to secure its operations in India.⁵ Despite a military presence through the beginning of the eighteenth century, it was only in the wake of the British victories in the Seven Years War and with the continued collapse of the Mughal Empire that the EIC took on overtly political roles and responsibilities, changing from a trading company to a political and territorial power.⁶ By the mid eighteenth century the EIC had also become an important political actor with a number of its servants returning to Britain very wealthy individuals with prominent political figures such as Lord Rockingham having substantial investments in the company.

² Smith supposes an earthquake in China, and says that while we may express sorrow upon hearing about their plight, and may even think upon the affect that such an event might have in Europe, if we have not seen these suffering others we will most likely quickly return to their daily lives, and sleep soundly that night. However he argues if this man was to lose his little finger the next day that man would not sleep. Smith goes on to argue that logically it would be thought that a person should be willing to sacrifice many he had not seen to avoid some small calamity much closer to them. However he argues reason, principle and conscience leads us not to act in this way, but rather to act to promote the happiness of others. A. Smith, *Theory of Moral Sentiments* [1759][1790], (ed.) D.D. Raphael & A.L. Macfie (Oxford: Clarendon Press, 1976), 136-7[III.3.4]; Hume, *A Treatise of Human Nature* [1739], (Oxford: Clarendon Press, 1988), 413-8 (Bk II, Pt III, Sec III).

³ The EIC was formed in reaction to the opening up of the seas after the defeat of the Spanish Armada and the success of the Dutch East India Company in securing treaties. It was awarded a charter granting a monopoly of trade after Elizabeth I 'scornfully rejected' the papal bull granting all new discovered land to Spain and Portugal. T. Desai, *The East India Company A Brief Survey From 1599 to 1857*, (New Delhi: Kanak Publications, 1984), 1-2.

⁴ W. Bain, *Between Anarchy and Society: Trusteeship and Obligations of Power* (Oxford: Oxford University Press, 2003), 27-28; Bain provides a concise account of this period and events.

⁵ Bain, *Between Anarchy and Society*, 28-30.

⁶ P. Lawson, *The East India Company: A History*, (London: Longman, 1993) 86; see also J.R. Seeley *The Expansion of England: Two Courses of Lectures* (London: Macmillan, 1921), 153.

Competition and the outright conflict with the French, led to a greater interference of the EIC in the domestic affairs of India in order to maintain dominance over the trade from India.⁷ The key figure to emerge from this period was Lord Clive, who rose to power as a military leader in the EIC because of increased need for security. Returning to India at the start of the Seven Years War, he led the company from a position of vulnerability to one of complete dominance over its European rivals.⁸ Emerging victorious over the Nawab of Bengal and the French in the battle of Plassey,⁹ he was viewed as a national hero, alongside men like General James Wolfe,¹⁰ for his victories at the moment when Britain seemed in peril in their global war against the French.¹¹ The power of men like Clive over the affairs of the EIC¹² and increasingly over those of Indian people started to raise serious questions about the governance of British companies and, combined with the American Crisis, to highlight the emergence of new challenges of the governance of the British Empire over such large geographical distances. By the time Clive returned to India for a third time in 1765 the power of the EIC had, as the politician Charles Jenkinson astutely warned, grown “much too big for a body of merchants” and would likely lead to Parliamentary enquiry.¹³

It was in this period that the EIC started to assume even greater power, taking on the office of *diwan*, the post of collector and administrator of revenue, in Bengal, which “rendered the independence of the old imperial government null and void.”¹⁴ This led unfounded speculation about huge profits for the EIC given the huge cost for the EIC of waging war.¹⁵ Amidst concern for the EIC finances the government passed legislation to levy an annual sum from the EIC as a compromise on issues of sovereignty over areas held by the company in India. By 1772 the EIC was near bankruptcy and to deal with this issue North passed the Regulating Act in 1773. This

⁷ Bain, *Between Anarchy and Society*, 30.

⁸ Lawson, *The East India Company*, 89.

⁹ L. Sutherland, *The East India Company in Eighteenth Century Politics*, (Oxford: Clarendon Press, 1952), 63-4.

¹⁰ General James Wolfe was regarded as a British hero for leading the British army in North America to victory over the French in the siege of Quebec.

¹¹ Lawson, *The East India Company*, 87-8.

¹² While Clive was viewed as British hero, Lawson raises the question as to how far these actions went against the wishes and instructions of his employers. The pervading assumption was that the commanders in the field would defend Britain and the EIC's interests in India, in whatever way they saw fit. However their standing order and the established ethos of the company as a trading company did not change. Lawson highlights that “Clive's perception of the problem of security for the company and national interests in the field differed wildly from the perceptions of London Administrators,” who were in favour of more cost-effective control and retrenchment. Lawson, *The East India Company*, 91; see also Desai, *The East India Company A Brief Survey From 1599 to 1857*, 173-86.

¹³ Sutherland, *The East India Company in Eighteenth Century Politics*, 137.

¹⁴ Lawson, *The East India Company*, 106; Sutherland, *The East India Company in Eighteenth Century Politics*, 138; M. Edwards, *British India 1772-1947: A Survey of the Nature and Effects of Alien Rule*, (London: Sidgwick & Jackson, 1967), 22-3.

¹⁵ Lawson, *The East India Company*, 108; Sutherland, *The East India Company in Eighteenth Century Politics*, 138-268.

Act loaned the EIC £1,400,000 and created a new post of Governor-General based in Bengal,¹⁶ to which Warren Hastings was appointed.¹⁷ Hastings continued to expand the powers and authority of the EIC in India to the extent that in 1783 Burke argued that British influence stretched throughout the whole of the Indian subcontinent, to such an extent that not a mouthful of rice could be eaten in India except by the permission of the EIC.¹⁸ It was this assumption of power and with it, for Burke, the trust and authority of government, that raised new and important issues and which led him to view the Indian people as being members of a new neighbourhood community of Britain. It was also in this context that Burke came to view Hastings as a criminal whose abuses harmed both the Indian and British people.

Burke's focus and concern for Indian affairs saw him drift away from his friends in the Whig party. While he briefly came to power again under Lord Rockingham in 1781, Rockingham's subsequent death in office saw Burke's influence wane and after the defeat of Fox's 1783 India Bill, on which he had worked so hard, Burke turned his focus to impeaching Warren Hastings and appears to have had neither the time nor inclination for Party matters.¹⁹ As O'Gorman describes it, Burke's view was that the Whig party had "failed to achieve the aims which he had set before it many years ago" and he was the first casualty of this.²⁰ But while Burke may have become more isolated in this period, this only seems to have made him more determined in his pursuit of justice for the Indian people and his belief that this was essential to the protection of British justice and society.

II. India the Rise of a Company and the Decline of an Empire

It was in the midst of the EIC's growing involvement in the government of Bengal and the intense speculation surrounding its finances in the 1766-7 Parliamentary session that Burke first entered Indian affairs. Burke's main concern was defending the EIC's rights as a chartered company and objecting to government intervention in what he viewed as purely commercial

¹⁶ Lawson, *The East India Company*, 120-1.

¹⁷ Lawson, *The East India Company*, 120-1.

¹⁸ Burke, 'Speech on Fox's India Bill', [1 December 1783], *Writings and Speeches of Edmund Burke: Volume V India: Madras and Bengal 1774-1785*, (ed.) P. J. Marshall, (Oxford: Oxford University Press, 1981), 389.

¹⁹ F. O'Gorman, *The Whig Party and the French Revolution*, (London: MacMillan, 1967), 10-12.

²⁰ O'Gorman, *The Whig Party and the French Revolution*, 12.

concerns.²¹ Burke argued that in proposing legislation the government's plan was to restrict by "positive arbitrary regulation" the profits of a commercial company and that such an action would be a "most important Revolution in the whole Policy of the Country with regard to its Laws, its Commerce and its Credit."²² It contravened what he thought was an invariable rule which distinguished law and freedom from violence and slavery, that property vested in a subject by a known law, and not forfeited by delinquency, could not be taken away by any power or authority.²³ What concerned Burke was that in the 1760s²⁴ the British government had successively looked to the growing prosperity in the American Colonies and the EIC, and acted to take a share. While made under the name of agreements and Acts of Parliament, the iniquity of the bargains and abuse made of authority brought Parliament's demands for money from the EIC into question.²⁵ Just because something appeared lawful did not make it expedient. For Burke, the genius of the British constitution lay less in its positive laws than in the faith and spirit that underpins it.²⁶ The error of Parliament's actions was that they failed to realise that while the EIC was acting outside of Britain's borders and at a considerable distance away, it was still an intimate part of the British political community and the relations of neighbourhood meant what was done to the EIC affected the whole community.

For Burke, Parliament had sat by happily taking the EIC's money and ignoring the abuses it was perpetrating, and only in 1772, when bankruptcy was a possibility and the evils had already occurred, did they claim justification to interfere. Burke was not ignorant or unconcerned by the abuses perpetrated by the EIC and its servants;²⁷ however for him Parliament's measures and inquiries had little to do with the EIC role in governing and everything to do with their role as a trading company. The Ministry's plan, it seemed to Burke, was to question and "bark" at a British corporation to try and trap them in some administrative errors.²⁸ Their actions and proposals in bringing all aspects of the EIC into question went against their established rights and in doing so threatened every other British corporation and subject. Burke emphasised that

²¹ The government had proposed to levy from the company an annual sum of £400,000 and restrict their dividend from twelve and half to ten per cent. E. Burke, 'Speech on East India Divided Bill' [26 May 1767], *Writings and Speeches of Edmund Burke: Volume II Party, Parliament, and the American Crisis*, (ed.) P. Langford, (Oxford: Oxford University Press, 1981), 64-7.

²² Burke, 'Speech on East India Divided Bill', 65.

²³ Burke, 'Speech on East India Divided Bill', 65.

²⁴ With the exception of the Rockingham Administration.

²⁵ Parliament declared the company unable to pay a dividend of 40,000 in 1767 only to a short time later demand 400,000 a year paid to them, and continue even in 1772 to demand 400,000 even while they declare the company bankrupt. Burke, 'Speech on East India Restraining Bill' [18 December 1772], *Writings II*, 378-9.

²⁶ Burke, 'Speech on East India Select Committee' [13 April 1772], *Writings II*, 371.

²⁷ Burke, 'Speech on East India Select Committee', 373; P. J. Marshall, 'Introduction', in Burke, *Writings V*, 2-3.

²⁸ Burke, uses the expression 'Toils of administration', which is considered here to mean 'trap'.

while Parliament has the power to change anything in the forms of religion and government, the “faith of parliament is a very different thing from its legislative powers.”²⁹ The extension of the EIC and any other British companies around the world was an extension of Britain around the world. These were extensions of the British neighbourhood, which meant that the EIC should be treated and expected to act in the same manner as any British company or subject. When a company such as the EIC operated outside Britain the people with which it interacts should be confident that such a harmony existed between the company and British legislature that they are in effect one and the same.³⁰ The EIC was Britain in India, and for Burke, was expected to act in a manner in keeping with this status and should expect not to be treated differently simply because of where it traded.

The actions taken in North’s Regulating Bill and the Loan Bill³¹ were further evidence, for Burke, of the misuse of power, and a breach of the trust upon which government was based. In exchange for the loan Parliament asserted a right to the property of a chartered company under the guise of a public right to territorial acquisition that for Burke did not exist. While the ‘international’ nature of the EIC was similar to that of the trade and commerce of the American Colonies, it presented new and changing situations which required new rules, customs and laws. The uncertainty of this situation, Burke argued, must not be allowed to undermine the core principles of the British constitution. It was as illegitimate for Parliament to claim a right to the territorial acquisitions of the EIC as it would be to claim a right to the coal from a Northumberland coal mining company or knives from a Sheffield steel company. A right for Burke “implied something settled, and established by certain known rules and maxims; it implied, in short, a *legal decision*; for to talk of a right where no legal decision had been obtained, was to talk of a non-entity, and yet to argue as if it had an actual existence.”³² No such right existed in relation to the EIC or any British company, and the invention of such a right was clearly detrimental as it would disrupt the established practice of the British neighbourhood, and leave people unsure of their rights and way of life. The British government, as the origin of the EIC’s charter, had a responsibility for their conduct, but it was a serious error to mistake this role as bestowing property rights on the British government or people.

²⁹ Burke, ‘Speech on East India Select Committee’, 372.

³⁰ Burke, ‘Speech on East India Select Committee’, 374.

³¹ Burke, ‘Speech on North’s East India Resolutions’ [5 April 1773], *Writings II*, 390-3; see also P. Langford, ‘Introductory notes to, ‘Speech on North’s East India Resolutions’, 390; The House had voted to grant a £1,400,000 loan to the company in exchange for reform both home and abroad and restrictions on their dividend. The company were allowed keep territorial acquisitions made in India for a limited time, not to exceed six years, provided that the government receive a share in the profits once the loan was repaid.

³² Burke, ‘Speech on North’s East India Resolutions’, 391.

Not only did Parliament not have the right to annex the EIC possessions or even the Company itself, but Burke was also concerned that making the EIC “an appendage to the British Empire” would render it “too vast in magnitude for the capacity of any Administration whatever to grasp,”³³ let alone an administration who he described as having so great a dearth of genius to deal even with domestic occurrences. Burke feared, especially in light of the American Crisis, that in taking on the responsibility for a great and distant tract of the world, the EIC would be a “mill-stone” around their necks that threatened to drag them into an “unfathomable abyss.”³⁴ This was apprehension about empire that would remain in Burke’s thought. He was clear that empire for its own sake was not something that should be sought. The British Empire was neither about making the whole world Britain nor about conquering the world or any parts of it for Britain. If an empire could not be governed well it was not worth having. As he argued in regards to America there was a difference between the vulgar and barbarous empire of their warlike ancestors and the imperial political communities established on principles of liberty.³⁵ For Burke, the danger that empire in India posed was that it might prove too great a task to govern according to British principles and the connection might cause Britain to degenerate into an avaricious empire, potentially destroying Britain and further ruining India.

Up until this point India had been connected to Britain through the EIC, but was not in the close relationship of neighbourhood. It was the EIC and not India or the Indian people that were part of the British Empire and of intimate concern for British politics. While the British people had a concern in the way that the EIC operated and acted towards the Indian people, these were commercial relations and as such the concern was limited. While the British people may have felt sorrow for the plight of the Indian people and been concerned with any role the EIC might have play in this state of affairs, these were a distant and different people and their political and social situation did not concern those of Britain. The increasing involvement and ambition of the EIC after the Seven Years War had, though, complicated this relationship and led many in Parliament to take the view that the EIC’s financial and military status was such that it required intervention.³⁶ Burke was extremely wary of this argument more due to concerns about the government’s motives than his faith in EIC management. He was, though, clear that

³³ Burke, ‘Speech on North’s East India Resolutions’, 391.

³⁴ Burke, ‘Speech on North’s East India Resolutions’, 392.

³⁵ Burke, ‘Address to the Colonists’ [January 1777], *The Writings and Speeches of Edmund Burke: Volume III Party, Parliament and the American War*, (ed.) W. M. Eofson & J. A. Woods, (Oxford: Oxford University Press, 1996), 282

³⁶ Lawson, *The East India Company*, 121.

North's Regulating Act connected Britain to India in a new political manner that meant the neighbourhood of the British Empire was extended to this distant land and to these different peoples.³⁷ While Burke had his reservations about the efficacy of this extension of empire, it was ultimately the manner and not the act of extension which worried Burke, as the measures in the regulating Bill attempted to introduce despotism into British government. The introduction of such a plan into any part of the neighbourhood of British Empire threatened the foundations of the constitution to which he could not allow the slightest fracture or slightest defacement.³⁸

III. Intervening in a Company and the Concern of Government as Government

The deposing and arrest of the Governor of Madras, Lord Pigot by the EIC's council in Madras focused Burke's attention on Indian affairs. The arrest caused much consternation when news reached Britain especially for the Rockingham Whigs with which Pigot was associated. The issue centred on a dispute between the Nawab of Arcot and the Rajah of Tanjore, but what became quickly clear to Burke was that this was indicative of a vast number of abuses and issues caused by the EIC. In 1773, EIC troops along with those of the Nawab, had captured Tanjore, a highly fertile and potentially profitable area. This was handed over to the Nawab, but the EIC in London eventually ordered that occupation be ended in 1775. When Lord Pigot attempted to put these orders into effect, and to assert his and the EIC's authority, he was deposed and arrested, in a move widely rumoured to be orchestrated by men whose private interests were served by maintaining the Nawab's control.

In arguing for Lord Pigot's reinstatement, Burke first set out the justification for Parliament's right to intervene and dictate to the EIC on this matter. In line with his earlier position, Burke's intent was to prevent an increase in influence of executive power. The EIC, Burke argued, should be free from court power, but always be under public control, as there existed a responsibility of the public over British chartered companies. This was not a property in the EIC or in its acquisitions, but rather a responsibility for the actions of a company they created and let act in the world. British companies acted according to British authority and power, which was given to them in trust with the implicit restriction that the rights and privileges granted were operated according to British principles. The use made of this power and authority was the

³⁷ Burke, 'Speech on East India Regulating Bill' [10 June 1773], *Writings II*, 393-6.

³⁸ Burke, 'Speech on North's East India Resolutions', 392-3.

concern of the whole British neighbourhood, as such power used in a particular case affected its use everywhere. The reinforcement or undermining of British principles, even in such a remote place as India, was something that every Englishmen had a concern in and it was, for Burke, Parliament's role to represent and enforce this concern. Parliament was obliged to intervene in the affairs of the EIC because in taking on the roles and positions of government in India they had placed the welfare of the Indian people at least in part under British power and authority. This created a close connection and common concern between the British and Indian people, establishing a new neighbourhood. The EIC had abused its responsibilities for the Indian people and violated the trust in which British power and authority was held.

Far from taking authority away from the EIC, Burke argued his intention was to strengthen it by helping to preserve the respect of its orders and obedience for its governors, promoting honesty in its councils and discipline in its armies.³⁹ For Burke, Pigot had acted entirely correctly, but against the interests of several powerful men, and it was vital that Pigot be supported and the actions of his opponents cast down and those responsible prosecuted. Not to do this or delay justice, would be to teach "confederacy in wrong" and show that not only were the orders of the EIC not a sure security, but that people were best served by making common cause against the EIC in India, as no security was offered by Britain.⁴⁰

It was clear to Burke that the Indian people did not enjoy the same kind of liberty as Englishman, and that Britain was not yet in a position to give this to them. But he was also clear that this did not provide a justification to take away everything which made arbitrary power tolerable and afforded them some small amount of freedom and happiness in their lives.⁴¹ For Burke the "obedience of governors is the freedom of the people" and in military government the only thing that makes their arbitrary power tolerable is its subordination and discipline.⁴² By ignoring the long established practices, customs and limits of Indian governance the EIC had threatened to destroy even these small comforts and liberties of the Indian peoples. Burke argued that in free government checks worked from the people upwards to the supreme head, but in arbitrary government checks worked down from the head. When the authority of the supreme power in Lord Pigot was undermined, this removed the known system of government

³⁹ Burke, 'Speech on Restoring Lord Pigot' [22 May 1777], *Writings* V, 36; Burke also spoke for his colleagues in the Rockingham group.

⁴⁰ Burke, 'Speech on Restoring Lord Pigot', 36-9.

⁴¹ Burke, 'Speech on Restoring Lord Pigot', 39.

⁴² Burke, 'Speech on Restoring Lord Pigot', 39.

and exposed the people to a great array of powers and oppressions.⁴³ Burke argued that this situation was a concern not only for Indian governance, or the governance of the EIC, but that “Government as Government was immediately interested in it.”⁴⁴ This raised questions about the nature and security of government, and the fundamental principles that underlie the order necessary to it.⁴⁵ His concern was clear: the disruption of this order in one place affected the foundations of this order everywhere. In particular, the strengthening of close relations and connections between Indian and British government meant they were now intimately concerned with political practices in both places, and any corruption of government was a threat to all members regardless of distance.

The presence of British arms during the wars in India, brought Britain into very close connections with the Indian rulers, both Hindu and Muslim.⁴⁶ British power was now so interweaved with governance within India that several of the rights of Indian people were wholly dependent on British power.⁴⁷ As such these rights must be determined according to British justice, but by this Burke did not mean according to British forms, but according to the principle of British justice. For Burke, Britain had a responsibility for the use made of their ideas of justice. This created a concern for the condition of the Indian peoples whose laws and government were now guided by British principle, in many ways as much as were the people of Britain. Britain and India were now, for Burke, interlinked in the close relations of neighbours despite the geographical distance. While Burke focused on the case of the Rajah of Tanjore, he recognised that these issues were not limited to this one instance, but extended throughout India to all rulers within reach of British power. British influence played a significant role in Indian politics and Indian society, and the result of this was a concern for this power and authority, as well the use that was made of it.⁴⁸ Whereas Burke had previously seen the EIC as extractable from India, it became clear to him that Britain was already so intertwined and connected to India that it had a duty to make a good use of this position if they could. This was a neighbourhood of strangers, the challenge this presented to Britain, was how to govern a land so far away and removed from Englishmen. Regardless of whether it was under the name of alliance or under the name of subjection to a mogul, Englishmen were “in reality now the actual Sovereigns and Lords

⁴³ Burke, ‘Speech on Restoring Lord Pigot’, 39.

⁴⁴ Burke, ‘Speech on Restoring Lord Pigot’, 39.

⁴⁵ Burke, ‘Speech on Restoring Lord Pigot’, 39.

⁴⁶ Burke refers to them as Indian and Mahometan. Indicating the distinction between the Muslim and original Hindus inhabitants of that land.

⁴⁷ Burke ‘Policy of making Conquests for the Mahometans’ [1779], *Writings V*, 43-44.

⁴⁸ Burke ‘Policy of making Conquests for the Mahometans’, 46.

paramount of India.”⁴⁹ There were, Burke argued, two possibilities for how to govern India, either by direct rule or through a dependent government placed between Britain and the native people.⁵⁰

Direct rule, as he had sought to demonstrate in regards to governing Englishman at distance in America, was a bad form of imperial government and at odds with the idea of the British Empire. Burke was clear that if this could not work for governing their brethren in America, it would not suffice in governing a people far removed from them in manners customs and laws. For Burke, Britain had to find a way of governing empire that was in accordance with British principles or end the idea of empire all together. What is clear in Burke’s arguments is that it is essential in establishing a system of imperial government to realise the role of neighbourhood relations, that what is done in one part of an empire affects the rest. Burke argued that the best way to govern was through a native government interposed between Britain and the EIC in their imperial sovereign role and the Indian people. He argued that it was both their duty and in their best interest to ensure that such a government was “congenial to the native inhabitants, correspondent to their manners, and soothing to their prejudices.”⁵¹ Men, Burke argued, are always inclined to prefer government of their own blood, manners and religion, but in a situation among nations where there was no clear settled law or constitution, such as in India in this period, this was all the more the case. In recognising that India possessed an ancient civilisation, Burke argued that it was not their role to impose a new civilisation, new rights or new practices on the Indian people. While Britain could not look to their forms of government, they could look to their own experiences of developing good, sure government, and recognise that the surest protection of the Indian people lay in the “just and hereditary rights” of the “Rajahs, Zemindars and every other inhabitant.”⁵² In doing so they would establish a sure practice of imperial government that would, through the relations of neighbourhood, secure both the government of the Indian and British people. When the British and Indian people looked to one another they would see the security of their community in the example of the security provided by the long established customs and practices of the other.

⁴⁹ Burke ‘Policy of making Conquests for the Mahometans’, 113.

⁵⁰ Burke ‘Policy of making Conquests for the Mahometans’, 113.

⁵¹ Burke ‘Policy of making Conquests for the Mahometans’, 113.

⁵² Burke ‘Policy of making Conquests for the Mahometans’, 115; A Zemindars is a collector of land tax or owner of agricultural estate.

IV. Building the imperil neighbourhood in India

The revelation by the EIC of major defeats by Haidar Ali caused much consternation and led to calls for investigation.⁵³ Burke attempted to start an investigation, but was told, much to his consternation, that it be would be carried out by secret committee.⁵⁴ In reaction Burke emphasised the vital nature of openness in government especially in relation to the government of empire. He argued that openness was an established virtue of British law, promoting cooperation and trust, whereas secrecy always aroused suspicion and as such was detrimental to justice. The notion that secrecy was a protection against enemies was for Burke a spurious one, he argued; he knew of no state ruined by the openness of their system and secrets of inefficacy, treachery, or corruption were the bane of governments.⁵⁵ “In all justice as in all government, the best and surest test of excellence, is the publicity of administration; for, wherever there is secrecy, there is implied injustice.”⁵⁶ The principle of openness is one that is essential for Burke in the good operation of neighbourhood relations. It promotes trust and surety rather than mistrust and uncertainty. Britain had successfully established a system of public justice and Burke warned against allowing such a powerful institution to be corrupted by secrecy and suspicion, which would surely destroy the trust that underpin both British justice and British power. For Burke, a vital part of the success of the British nation was that the voice of the British neighbourhood had been so strong in regards to the conduct of government. Even within the European neighbourhood, while there were efforts to keep secrets, on the whole there was an understanding of the system and actions that were taking place, which until the Revolution in France meant that the members could rightly expect a continuation of a certain sets of manners and principles in their conduct. It was clear to Burke that only an open, full and comprehensive public enquiry would teach the states that surround them in India, that Britain was a trusted neighbour, who should be looked upon with preference and respect, and that from no other neighbour or power could they expect such equal justice and permanent security.⁵⁷ It was on

⁵³ For accounts of the wars in which the EIC was involved in and in particular the victories by Haidar Ali see: Edwards, *British India 1772-1947*, 24-5; P. Spear, *The Oxford History of Modern India 1740-1947*, (Oxford: Clarendon Press, 1965), 67-9; Lawson, *The East India Company*, 111; Sutherland, *The East India Company in Eighteenth Century Politics*, 362-3; G. J Bryant, ‘British logistics and the Conduct of the Carnatic Wars’, *War in History*, 11/3, (2004), 278-306.

⁵⁴ Marshall, ‘Introduction’ to ‘Speech on Secret Committee’ in Burke, *Writings V*, 134-5.

⁵⁵ Burke, ‘Speech on Secret Committee’ [30 April 1781], *Writings V*, 136.

⁵⁶ Burke, ‘Speech on Secret Committee’, 138.

⁵⁷ Burke, ‘Speech on Secret Committee’, 136.

principles such as openness, central to the British constitution, that Britain must build their empire, and in doing so create an empire based on an understanding of neighbourhood relations.

The nurturing of a good reputation should be one of the most important parts of British policy. If you show men that you are determined to be their protector and not their oppressor and that you base your authority on the “solid rock of their happiness” then, Burke argued, thirty million people in India may be governed.⁵⁸ It was through policy and not power alone that such a large number of people could not only be governed, but would see British rule as in their interests. Through such policy Burke argued, the peoples which surrounded British areas in India, would become united with Britain in bonds of trust, friendship and neighbourhood. But all this could only occur when it was known and expected that all proceedings, trials and justice would be public. Europe, Burke argued, would stand astonished and awed by such conduct, knowing that this government would be “formidable by its purity and permanent from its use.”⁵⁹ This idea of imperial government based on neighbourhood was something that was familiar to all the nations of Europe, as it was based on the good principles of European government and neighbourhood. Principles which other nations, and up to this point Britain, had been too avaricious to implement in their policy.

The secret committee was established. Burke became a key member of a public select committee originally set up to examine the judicial decisions of the supreme court in Bengal, which, after initial success, gained a wider remit to investigate Indian and EIC affairs.⁶⁰ It was through this committee that Burke became extremely knowledgeable about Indian affairs and in light of this work he further developed his ideas of Indian and imperial policy as well his political thought in general.

For Burke “the genius of a people” is to be consulted in the laws which are imposed on them and these laws should be adapted to the “spirit, temper, constitution, habits and manners of the people” which they concern.⁶¹ Laws, for Burke, should come from and be adapted to the neighbourhood in which they are to take effect. It was this, he argued, that allowed Britain to

⁵⁸ Burke, ‘Speech on Secret Committee’, 137.

⁵⁹ Burke, ‘Speech on Secret Committee’, 138.

⁶⁰ The reports of the select committee were collaborative works but as Marshall sets out the first, ninth and eleventh reports were mainly the work of Burke. Burke, ‘Speech on Bengal Judicature Bill’ [27 June 1781], *Writings V*, 140-43; ‘Speech on Bengal Judicature Bill’ [16 July 1781], *Writings V*, 143-4; ‘First Report Committee: ‘Observations’ [5 February 1782], *Writings V*, 144-189; ‘Ninth Report of Select Committee’ [25 June 1783], *Writings V*, 194-333; ‘Eleventh Report of Select Committee’ [18 November 1783], *Writings V*, 334-78.

⁶¹ Burke, ‘Speech on Bengal Judicature Bill’, 140.

produce the free system, considered the “best and most beautiful fabric of government in Europe.”⁶²

But this was a British and European system and Indians would not think and speak of it in such terms. Their habits and dispositions at this time were, for Burke, contrary and inimical to equal freedom. They were accustomed to more despotic rule, which through familiarity was rendered congenial.⁶³ This was not a situation in which Burke was happy for the Indian people to live and he argued that it was a task for the benevolence of Britain to reveal to the Indian people, through the example of good practice, the bonds of mental slavery under which they lived. It was, though, clear to him that if they resisted what he called the “lights of philosophy,” and preferred their old despotic and arbitrary constitution to the free system of British legislation, then they must be given the laws which they love. It was not possible or desirable to govern thirty million people with only a few thousand by any other means than consent, and in a manner which was congenial to the feeling and habits of the people.⁶⁴ While for Burke the difference between Indian and European civilisation must be respected, the argument highlights the similarities and parallels between the two neighbourhoods, and the nature of relations between peoples in general. It is through these parallels, these universal elements of human relations and political community, that different, even quite strange, people can share ideas and principles of government. While they may not have seen themselves reflected in the habits and manners of the Indian people as they did in America, they could recognise a fellow branch of the same tree.

In concluding the committee’s first report Burke highlighted that as the people of India do not partake in the benefits of the British constitution, it is not proper that they are loaded with the inconveniences that it causes.⁶⁵ This was a position he first developed in his argument about governing the imperial neighbourhood of Englishmen in America,⁶⁶ but was even more clearly the case when governing a neighbourhood of strangers in India, and became a central plank of Fox’s India Bill of which he was one of the main architects. Burke argued that Fox’s India Bill would have been what the Magna Carta was for Britain,⁶⁷ a positive written affirmation of the

⁶² Burke, ‘Speech on Bengal Judicature Bill’, 140.

⁶³ Burke, ‘Speech on Bengal Judicature Bill’, 141.

⁶⁴ Burke, ‘Speech on Bengal Judicature Bill’, 141.

⁶⁵ “The people of India can derive no Consolation from Maxims and Modes of proceeding in Great Britain, which they have never operated, and can never operate, in Favour of their Complaints; but which have their full force In favour of the Persons, against whom they might have reason to complain.” Burke, *First Report Committee: ‘Observations’*, 188.

⁶⁶ Burke, ‘Address to the King’ [January 1777], *Writings III*, 263-4.

⁶⁷ Burke, ‘Speech on Fox’s India Bill’, 386.

natural rights of mankind that protects them against chicanery, power and authority.⁶⁸ Britain, for Burke, had both the concern and responsibility in their position as imperial superintendents for the people of India, and it was Parliament's duty to pass a Bill that was demanded "by humanity, by justice, and by every principle of true policy."⁶⁹ This was the imperial duty of Parliament Burke made clear in his American arguments, and the neglect of which had led to America's Independence.

Burke opened his defence of the Bill by setting out a fundamental principle for the government of empire.

"If we are not able to contrive some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*, a ground is laid for their eternal separation; but none for sacrificing the people of that country to our constitution."⁷⁰

For Burke, this principle had to be the measure by which all actions and policies were judged. The connection that had been formed between India and Britain meant that the government of both peoples were intimately concerned and linked with one another. A new neighbourhood had been created, but one different from the long established and intertwined neighbourhood of Europe or the neighbourhood of blood, that while strained, still existed with America. While, as in all neighbourhoods, the actions in one place had great effect upon the other place, in this new neighbourhood there was no long established practice or common manners to guide. So, Burke argued, if a means of governing India well, which was to the advantage of both places, could not be established then both would be dragged down by the connection. When he talked of separation he was quite serious, not simply meaning that Britain should abdicate their governing duties, but also leave all together. The choice for Burke was between governing India well and giving up all imperial government and trade interests in the subcontinent. Britain had failed to understand how to govern in America when the laws and customs originated from Britain. It was imperative that the same mistakes were not repeated and a method for governing based on the needs, laws and customs of India was established. People, for Burke, should be governed by the laws and customs that they have designed for themselves, not through abstract reasoning, but through the gradual development of society, the origin of which exists time out of mind. This

⁶⁸ Burke, 'Speech on Fox's India Bill', 383-4.

⁶⁹ Burke, 'Speech on Fox's India Bill', 380-1.

⁷⁰ Burke, 'Speech on Fox's India Bill', 383.

had been the argument he made against those on both sides of the Atlantic, entreating men to attend to the practical constitution which already existed, and this was to become central to his attack on the French Revolutionaries and their assault on the long established common foundations of European neighbourhood.

As highlighted in his American writings, the time of Britain's barbarous and vulgar conquests were over. Imperial extensions needed to be of the kind that would make Britain venerable to future ages.⁷¹ Burke felt India could be part of this new kind of empire and so continued his statement by adding:

"I am however far from being persuaded that any such incompatibility of interests does at all exist. On the contrary I am certain that every means, effectual to preserve India from oppression, is a guard to preserve the British constitution from its worst corruption."⁷²

While the political communities of India and Britain were essentially entirely distinct, in that they shared no common customs, habits or manners, Burke still believed that they were not only compatible, but potentially useful to one another. This highlights two important aspects of Burke's thought; first, that there are common foundations to all political communities; secondly, that the interaction of different communities and the creation of new neighbourhoods is important for the development and continued vitality of political communities and their constitutions. The challenge of creating a system of government that would serve the interests of India, would highlight and strengthen the solid parts of the British constitution while also identifying its weaker parts. Here, Burke steps beyond the arrangements he envisaged for colonial extensions in America, where the American Colonists' constitution was the adaptation of the British constitution, with Parliament performed a superintending role. In India, the constitution had to be an Indian constitution, the government had to be Indian government and only the superintending role of Britain would remain similar to that he had envisaged for America. It is superintending role that an understanding of neighbourhood relations brings to empire that is vital for Burke, as it contains the mutual concern that is essential for the preservation of the whole.⁷³

⁷¹ Burke, 'Address to the Colonists', 282.

⁷² Burke, 'Speech on Fox's India Bill', 383.

⁷³ Given that the idea and laws of neighbourhood he outlined in writing on Europe were based quite clearly with the analogy of scale from local to national and 'international' this idea of neighbourhood had no real precedent at the local level on which for it to be based. Indeed it would seem that such local neighbourhoods have only recently

While Britain could not simply impose British laws, forms or even its constitution directly to India, as the two civilisations developed entirely separately, communality exists between them which could form the basis of an extension of neighbourhood for both. This was a common foundation of natural law that Burke argues all societies share. Natural law, for Burke, is law that emanates from God and so is ideal or perfect law. This law can never truly be known by man, and it is through attempting to reflect this law that natural law is “mediated to society through its traditions, its institutions, and its positive law.”⁷⁴ While societies may develop entirely different systems of government, manners and customs, their common basis in natural law means that no systems of government are entirely incompatible. The forms of the British government and constitution were not suited for India, but the spirit and values which guided their creation could be shared with India. By learning how to adapt this spirit to the governing of India according to Indian society, customs and laws, to prevent oppression, Britain could learn new ways to guard against it in its constitution. Such a connection would also, for Burke, not only teach Britain about their system of government, but also open Britain to the wisdom of an ancient and venerable civilisation. In typical Burkean style, while this was a new kind of imperial relationship and organisation, it was established not on abstract ideas, but by building on the established practices and principles of European and Indian civilisation.

V. The Chartered Rights of Men

One of the central debates surrounding Fox’s India Bill focused on issues of rights. Opponents of the Bill argued that it was an attack on the “chartered rights of men,” an argument which Burke thought was rather sophistically phrased, as it alluded to those natural rights which Britain had approximated and secured in the charters of their constitution, while actually referring to the rights of the EIC under its charter.⁷⁵ There were, for Burke, two very different descriptions of charters and rights in question here, which in spirit are the very reverse of one another. First, there are what Burke called the “great charters,” or governmental charters, such as the Magna Carta in Britain, which restrain power and oppose monopoly. These charters are concerned with

come into regular existence and questions on how they are best organised still remain. Quite where Burke got his optimism, that Britain was ready to operate as a superintending power for India with an entirely different constitution based on different customs, laws, and society, may well be wondered. But his vision that it was possible for Britain to govern this far from its land, in a manner of benefit to both was very clear.

⁷⁴ F. Canavan, *The Political Reason of Edmund Burke*, (Durham, N.C: Duke University Press, 1960), 85.

⁷⁵ Burke, ‘Speech on Fox’s India Bill’, 383-4.

the government of men and the realising and securing of rights already in existence, natural rights, for all.⁷⁶ Secondly, there are “corporate charters,” such as the EIC, which are based on the establishment of monopoly and the creation of powers. These charters are about creating rights for particular individuals or groups and as such concern the suspending of the “natural rights of mankind at large.”⁷⁷

In part, Burke recognised that a certain amount of confusion in the meaning of terms was created by the fact that it was the EIC, as a British chartered company, had taken on the government of India. But he was clear that the two meanings must not be conflated. There existed in India, as in Britain, chartered rights of men; that is, those natural rights which are approximated though repeated practice and become secured though written instruments and positive engagements. In Britain these were well secured, but in India the decline of the Mughal Empire had left them less secure and certain. It was Burke’s intention not to give rights to the Indians, but to give security to the expectation that the rights, in the form which they had been developed in Indian society, would be upheld.⁷⁸

Burke argued that “The rights of men, that is to say, the natural rights of mankind, are indeed sacred things.”⁷⁹ But it is important to make clear that when Burke spoke of rights he rejected the association of natural with primitive, implied in ideas of a state of nature.⁸⁰ Burke neither accepts nor rejects the idea of a state of nature, but for him enquiry and speculation into this is a fruitless labour. Society is the natural state of man and as such the only natural rights that men can access are rights arising out of society. This position rather than confronting, simply casts aside the idea of a pre-contractual state of man, and the logic that go with it.⁸¹ Natural rights for Burke, like natural law, are something known only to God; that is, they exist as an ideal, which while not attainable on earth should nonetheless be strived for. The practical concern for Burke is less with identifying natural rights, and more with securing them, and through the act of securing those rights that seem to be of benefit to people, we can hope to come closer to natural rights. The best way to come closer to knowing natural rights is not through metaphysical speculation and reasoning, but through practical concern for the people and events around us. At the heart of Burke’s understanding of rights is the idea of neighbourhood, that part of ourselves

⁷⁶ Burke, ‘Speech on Fox’s India Bill’, 384.

⁷⁷ Burke, ‘Speech on Fox’s India Bill’, 384.

⁷⁸ Burke, ‘Speech on Fox’s India Bill’, 383-4.

⁷⁹ Burke, ‘Speech on Fox’s India Bill’, 383.

⁸⁰ Canavan, *The Political Reason of Edmund Burke*, 114.

⁸¹ F. O’Gorman, *Edmund Burke: His Political Philosophy*, (London: George Allen & Unwin, 1973), 116.

is always beyond us. We realise our rights not only by exercising them, but by seeing them exercised by those close to us. It is because of this that neighbourhood was seen by Burke as so important to the rights of Englishmen as these were not just premised on the concern for fellow Englishman, but on the a concern for the whole of the shared manners, customs, and laws of European neighbourhood and beyond that those fundamental shared aspects of humanity. The concern established for the people of India, while of a different order, created a new range of possibilities for the securing of rights.

For Burke, it is through the affirmation of natural rights by express covenants and written instruments, that they become “clearly defined and secured against chicane, against power, and authority” and can be “fitly called the *chartered rights of men*.”⁸² However he points out that the simple declaration and publication of rights does not establish a “chartered right of man,” rather it is through the long and continued recognition, affirmation and practice of these rights that they become secure.⁸³ When these rights become the accepted and expected practice, Burke argues, their abuse or subversion becomes a matter of disturbing the settled state of a neighbourhood and is consequently resisted. Once established “chartered rights of men” become an integral part the very fabric of society, and so to subvert these rights is to root up the “holding radical principles of government, and even of society itself.”⁸⁴ It was for this reason that as much as the British in their benevolence may have wished to give the Indian people equal laws, and a free constitution, the light of enlightenment could not simply be shined upon India.

The charter of the EIC on the other hand was a corporate charter that gave them very particular rights which operated to the exclusion of the rest of mankind, but also set out what was beyond the charter. Burke was clear that he did not question the companies claim to “exclude their fellow-subjects from the commerce of half the goal,” to administer the territorial revenue, command an army in India, or to dispose of the “lives and fortunes of thirty million of their fellow creatures,” as this was contained within their charter.⁸⁵ However, he makes clear that this occurs under imperial discretion and in accordance with natural and local law. For Burke, while the EIC operated exclusively abroad, their charter was essentially no different from a charter granted to mine coal in Northumberland. Such a charter, granting exclusive rights to the extraction of coal, would exclude all others, and quite feasibly may even grant the right to

⁸² Burke, ‘Speech on Fox’s India Bill’, 384.

⁸³ Burke, ‘Speech on Fox’s India Bill’, 384.

⁸⁴ Burke, ‘Speech on Fox’s India Bill’, 384.

⁸⁵ Burke, ‘Speech on Fox’s India Bill’, 385.

enforce this monopoly if necessary. The Northumberland company would be perfectly free to do enforce its exclusive rights as long as it did not infringe on local or natural laws, which in this case have the convenience of being the laws of Britain.

For Burke, those who argued that violating the EIC charter would set a precedent putting the security of other charters, such as that of the Bank of England or the City of London, at risk misunderstood the nature of what was at question. There could be no security for any charter when it falls into such a condition as that of the EIC. If the Bank of England or the City of London, through gross mismanagement, fell into such a state, no charter should protect it from correction. It is an essential function of any government and part of an imperial superintending duty to monitor the charters that it creates and give correction. Without correction corporations risk destroying an empire and cruelly oppressing millions. “Charters are kept, when their purposes are maintained: they are violated when the privilege is supported against its end and its object,”⁸⁶ that is when the exclusive rights granted are abused to infringe the rights of others. Indeed this would seem in Burke’s thought to capture the very purpose of having chartered rights; to make clear not only what there is an exclusive right too, but also where rights end.

Burke argued that his position in regards to the EIC’s claims and rights gave it as much as was contended for by its staunchest advocates. What needed to be realised by the EIC and its advocates was that “all political power set over men, and all that privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised for their benefit.”⁸⁷ While addressed to the company, this was clearly a much more far reaching and profound statement about political power in general. Indeed he goes on to suggest that this is true of “every species of political dominion, and every description of commercial privilege”⁸⁸ as there can be no such thing as an originally self-derived right, or a grant for the mere private benefit of the holders. In essence, Burke argues that no company, no state, no nation has a self-derived right; no person or group has a right to the complete exclusion of the rest of mankind.⁸⁹ While states may operate to the exclusion of the rest of mankind, this exclusion ought ultimately to be for the benefit of mankind. All the rights, privileges, or whatever else they might be called, “are in the strictest sense a *trust*; and it is the very essence of every trust be rendered *accountable*; and even totally

⁸⁶ Burke, ‘Speech on Fox’s India Bill’, 448.

⁸⁷ Burke, ‘Speech on Fox’s India Bill’, 385.

⁸⁸ Burke, ‘Speech on Fox’s India Bill’, 385.

⁸⁹ Burke, ‘Speech on Fox’s India Bill’, 385.

cease, when it substantially varies from the purposes for which it could have a lawful existence.”⁹⁰ This notion of trust is essentially a permission to act in particular manner or circumstance under the expectation that a certain comport of behaviour will be adhered to. It is this simple notion of trust that allows societies to function, as without it no one would be free to act in any society. Trust is the basis on which liberty can be granted. It is fundamental to the operations of neighbourhood at all levels, as it is through the interactions of people and groups that expectations are created, but through trust that they can continue and be of benefit to the members of the neighbourhood.

States are established, on this understanding, not simply for the benefit of their members, but for the benefit of mankind. There is a fundamental assumption in Burke’s conception of how the world is ordered and his perception of how it continues to function that states are necessary not in themselves, but are a way of better organising mankind. For Burke, the forming of neighbourhoods within and between states and nations is also a necessary part of this beneficial order. This is because it extends and at the same time secures the trusts under which states operate by making them mutually constitutive and dependent. As such any action abusing or transforming a trust cannot take place without the validation of those societies with which share commonalities and connections.

Because the EIC charter originated from Parliament, it was from Parliament that the trust was derived. It was therefore ultimately Parliament which was accountable for the EIC actions and so had a duty to intervene to correct the EIC’s malversation.⁹¹ If Parliament had nothing to do with the EIC charter they may have had some sort of epicurean excuse to stand aloof as spectators, but as the cause of the evil, Parliament must be engaged in the redress, and to not do so would be to make them an active accomplice in the abuse.⁹² That the power the company wielded was purchased from Parliament only added to the necessity of their intervention, as it would otherwise appear that they had happily sold the blood of millions.⁹³ While Britain was able to sell its authority to the EIC, it could not sell its control and had no right to sell its duty.⁹⁴ If the abuse was proved, then the contract was broken and all the rights and duties returned to Parliament. Vitally, Burke adds to make clear his earlier point, Britain’s own authority is as much a trust as

⁹⁰ Burke, ‘Speech on Fox’s India Bill’, 385.

⁹¹ Perversion of the trust of power and authority placed in them.

⁹² Burke, ‘Speech on Fox’s India Bill’, 385.

⁹³ Burke, ‘Speech on Fox’s India Bill’, 386.

⁹⁴ Burke, ‘Speech on Fox’s India Bill’, 386.

the EIC's, and its actions had to justify or condemn this trust.⁹⁵ The plan contained in the Bill was Parliament's attempt to act to protect this trust and Burke argued that the world would see what the Bill destroys and creates and by this measure will stand or fall.

There were those, such as Adam Smith, who thought that the idea of a commercial company having such extensive power was a very dangerous and flawed enterprise.⁹⁶ Burke clearly sympathises with this position, but while he could see the logic of making an *a priori* argument against a commercial company being granted such a high trust, he could not "go that way to work."⁹⁷ For Burke, the idea of destroying an established institution of government on a theory, no matter how attractive and plausible it may be was an unacceptable risk. The institutions of government were not designed, imposed or implemented over people, rather they developed in response to the needs and circumstances of people and the time. It was for Burke far better to keep the EIC in the position of government in India, and provide the Indian people with the security for their rights through this Bill.⁹⁸

VI

While Burke was not in favour of revoking the EIC's charter, he was certain that its administration required reform, and the charter needed to be altered.⁹⁹ Given the immensity of the trust the EIC had been shown, its conduct had been rude indeed, and much of this indecent behaviour had stemmed from an inability of the EIC to differentiate between political and commercial aspects.¹⁰⁰ There was, Burke argued, not a single prince, state or potentate in India the EIC had come into contact with whom they had not sold; not a single treaty that they had made which they have not then broken; there was not a prince who or state which, having placed their trust with the company, had not been ruined.¹⁰¹

⁹⁵ Burke, 'Speech on Fox's India Bill', 386.

⁹⁶ Burke, 'Speech on Fox's India Bill', 386; A. Smith, *The Wealth of Nations Books IV-V*: [1776], (London: Penguin 1999) 145-172.

⁹⁷ Burke, 'Speech on Fox's India Bill', 387.

⁹⁸ Burke, 'Speech on Fox's India Bill', 386.

⁹⁹ Burke, 'Speech on Fox's India Bill', 387.

¹⁰⁰ Burke, 'Speech on Fox's India Bill', 391.

¹⁰¹ Burke, 'Speech on Fox's India Bill', 391.

It was clear to Burke and to the shame of Britain that the EIC had risen to power by committing various frauds and deceptions.¹⁰² While this differed from the “ferocious, bloody, and wasteful” manner in which people had previously conquered India, they were still conquerors and what little mitigation the manner in which they came to power gave them was wiped out by the shameful way in which they governed. While others had entered in a bloody manner, they conquered and settled, investing their labour and hopes for prosperity in the land and society, building monuments for their children.¹⁰³ They become invested and connected to a place and these new rulers and the native people become bound by a mutual concern for the governance and prosperity of the land and develop ties of neighbourhood. It is one thing to bring poverty and desolation to a land when conquering, but there are few men who can bear to grow old among the curses of a whole people. As time passes the sword of the conqueror turns to the sword of the ruler, then to the sword of justice, and destruction turns to reconstruction. Under British rule this order was reversed and it was British protection that was destroying India, and with every abuse of power, authority and justice, the EIC further attacked the protection of Britain.¹⁰⁴

For Burke, Britain had built no churches, no schools, and no hospitals, no highroads or bridges. It had taken everything and given back nothing but misery and suffering. Every conqueror, Burke argued, had left some monument behind them, but if Britain was “to be driven out of India this day, nothing would remain, to tell that it had been possessed, during the inglorious period of our domination, by anything better than the ouran-outang or the tiger.”¹⁰⁵ It was, for Burke, imperative that Englishman realised that what was done in India was as important as what was done in Britain, as the governments of both places were now close neighbours, and intimately concerned with one another. The work the EIC carried out in India would leave as great or as horrifying monuments for the British as anything built within in Britain. Reform of the EIC and its charter was the only way to counter the effects of this corruption. The task, Burke argued, was to correct a “system of oppression and tyranny, that goes to the utter ruin of thirty million of my fellow-creatures and fellow subjects.”¹⁰⁶ Reform was justified on the same principles as all the “just revolutions of government that have taken place since the beginning of

¹⁰² Burke, ‘Speech on Fox’s India Bill’, 401.

¹⁰³ Burke, ‘Speech on Fox’s India Bill’, 401.

¹⁰⁴ Burke, ‘Speech on Fox’s India Bill’, 402.

¹⁰⁵ Burke, ‘Speech on Fox’s India Bill’, 402.

¹⁰⁶ Burke, ‘Speech on Fox’s India Bill’, 442.

the world.”¹⁰⁷ He emphasised that while the object they had to reform was a company charter, there concern was the alleviation of suffering and government of the people of India, and the removal of “a tyranny that exists to the disgrace of this nation, and the destruction of so large a part of the human species.”¹⁰⁸

VII. Justice for India and Britain and the opportunity of Empire

Fox’s India Bill ultimately failed. It passed the Commons, but the coalition’s weak support could not carry it and the King was to use his influence to end both the Bill and the coalition.¹⁰⁹ Pitt became the next Prime Minister and passed an India bill leaving much more to the EIC and giving parliament much less control.¹¹⁰ Burke was to quip that the agreement of the proprietors of the EIC was like that of a felon sentenced to death who willingly accepted exile.¹¹¹ In opposition again, Burke was determined not to give up on the Indian cause, and his attention turned to highlighting it through bringing to justice the man who he felt was responsible for most of the EIC’s corruption, abuses and crimes, Warren Hastings. For Burke, it was Hastings, as Governor General, who had created the system of misconduct and abuses that corrupted virtually every man that set foot in India under EIC pay. Both Burke’s committee and the secret committee’s investigations had earlier called for Hastings, along with William Hornby,¹¹² to be removed from their posts as “*they had acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company.*”¹¹³ Burke was now to act on his belief that Hastings was a criminal of the most deplorable kind, by launching an impeachment against him in Parliament, the body ultimately responsible for Hastings’ and the EIC’s conduct.

Marshall highlights that Burke was never very optimistic about his chances of success, and his intentions in launching the impeachment had been to raise the profile of the cause and place on record the evidence. To his surprise he found Parliament more receptive to impeaching Hastings than he had expected. He found support from men such as Wilberforce and Bankass, allies of

¹⁰⁷ Burke, ‘Speech on Fox’s India Bill’, 440.

¹⁰⁸ Burke, ‘Speech on Fox’s India Bill’, 451.

¹⁰⁹ Marshall, ‘Concluding notes’ to Burke, ‘Speech on Fox’s India Bill’, 451.

¹¹⁰ Burke, ‘Speech on Pitt’s First India Bill’ [16 January 1784], *Writings* V, 452-4; ‘Speech on Pitt’s Second India Bill’ [28 July 1784], *Writings* V, 454-9.

¹¹¹ Burke, ‘Speech on Pitt’s First India Bill’, 453.

¹¹² Governor of Bombay 1771-1784.

¹¹³ Burke, ‘Speech on Fox’s India Bill’, 438.

Pitt's, who had been behind "reform of manners, stricter accountancy of public finances, the reduction of political corruption and the reduction and abolition of the slave trade."¹¹⁴ These men viewed Hastings as having infringed on national morality, and were keen to show that national expediency was not allowed to displace moral principles.¹¹⁵ While Burke agreed with Wilberforce that this was a matter of national morality, there was for him a much wider, more powerful call of justice that needed to be heard.

As a British Governor, Hastings ought, Burke argued, to govern according to British Principle. A governor must also be careful not to make the mistake of governing through British forms, as "if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despotic principles together into a country."¹¹⁶ Burke had seen clear evidence of this mistake in his select committee investigations earlier in the decade.¹¹⁷ The letter of British law was designed and suited to Englishmen and would not even be suitable for a county in as close legal, cultural and physical proximity to Britain as France. So it would certainly not be suited to a culture as physically and morally separated as that of India. There is though, for Burke, a spirit behind government that transcends these separations. He argued that British government anywhere should be characterised by the spirit of equity, justice, safety, protection and lenity, which for him had become the heart of the British constitution.¹¹⁸ It is not the written, but the practical aspect of constitutions and laws which render them good or bad. So while British charters secure the rights of men for Englishmen, this is due to the combination of English custom and manners with the written form, and not the forms alone. For Burke, while peculiar British forms cannot be transposed to other peoples, the spirit behind these laws could be translated as the laws of "nature and nations" as embodied in various ways in the customs and manners of all societies. It is on this common foundation that the good relations of neighbourhood can be established, as in realising the shared ground of different societies, commensurable practices and forms are created. It is also clear in Burke's argument that ignorance of this ground means that acting to undermine it in one place attacks the foundations of both societies.

¹¹⁴ P. Marshall, 'Introduction, in Burke, *Writings* VI, 4-5.

¹¹⁵ Marshall, 'Introduction, in Burke, *Writings* VI, 2-5.

¹¹⁶ E. Burke, 'Speech on Opening of Impeachment' [15, 16, 18, 19 February 1788], *The Writings and Speeches of Edmund Burke: Volume VI India Launching of the Hastings Impeachment 1786-1788*, (ed.) P.J. Marshall, (Oxford: Oxford University Press, 1991), 345.

¹¹⁷ Burke, 'First Report Committee: Observations', 188.

¹¹⁸ Burke, 'Speech on Opening of Impeachment', 345-6.

It was ignorance of the common foundations of all human society that underpinned Hastings' defence against the impeachment charges: that his actions in Asia did not bear the same moral qualities as they did in Europe, that there was a geographical morality and this dictated how a governor should act.¹¹⁹ The heart of this defence was that because he ruled in India according to an entirely different set of norms, laws and morals, he could not be held to the standard of British norms, laws and morals in judging his conduct. This was false for Burke in two clear regards. First, it was not possible for Hastings, acting as the governor of a British company, to leave the sphere of British justice, as it was only due to British power and authority that he could act. Secondly, while Burke was clear that only laws, rights and forms that arise from a people can be justly enforced, this was very different from the notion of "geographical morality" espoused by Hastings. Under Hastings' plan, men's duties in both public and private were not governed by their relation to God, or other men, but rather were determined by "climates, degrees of longitude and latitude, parallels not of life but of latitudes."¹²⁰ While for Burke it was a mistake to assume that what has been established in Europe could be replanted in India or other part of the world, it was equally wrong to think that once across the equator all that was learnt in Europe was gone. This was a convenient excuse for the abuses of men. The notion of "geographical morality" was completely unfounded and as Burke put it, Hastings could not be allowed to hide underneath it. Instead he made it clear that contrary to Hastings argument:

"[T]he laws of morality are the same every where, and that there is no actions which would pass for an action of extortion, of peculation, of bribery and of oppression in England, that is not an act of extortion, of peculation, of bribery and of oppression in Europe, Asia, Africa, and all the world over. This I contend for, not in the forms of it, but I contend for it in substance."¹²¹

For Burke, while laws and forms are shaped for each community by their circumstances and so cannot be directly applied to other places, it should be possible to look at the laws of different societies and identify the underlying purpose, and ultimately the underlying moral sentiment at their root. What was important for Burke was that these similarities were identifiable between the different societies of men and form the basis on which men relate. For Burke, there are core,

¹¹⁹ Burke, 'Speech on Opening of Impeachment', 346; For discussions of Hastings' positions and arguments see: P. J. Marshall, *The Impeachment of Warren Hastings*, (Oxford: Oxford University Press, 1965); G. Carnall & C. Nicholson, *The Impeachment of Warren Hastings: Papers from a Bicentenary Commemoration*, (Edinburgh: Edinburgh University Press, 1789).

¹²⁰ Burke, 'Speech on Opening of Impeachment', 346.

¹²¹ Burke, 'Speech on Opening of Impeachment', 346.

underlying laws natural to man's life in society, and as man's natural life is in society, these are the laws of nature in which every person has a concern.

Hastings also defended his actions by claiming that he inherited arbitrary power over the Indian people, and had only acted in accordance with the character of the previous governments when exercising arbitrary power. His argument was that he found the Indian people slaves, according to their own constitution, and was bound to exercise arbitrary power, regardless of how disagreeable he found it, as no other power could be exercised in India.¹²² For Burke, this was a clearly a false claim and indicated the continuing influence of the power and acceptance of absolutist notions of politics and government. Hastings could not claim arbitrary power for Burke, as he argued that arbitrary power did not exist anywhere. The EIC, the King nor any legislature could grant an arbitrary power because they do not possess it. For Burke, "Arbitrary power is a thing which neither man can hold nor any man can give away. No man can govern himself by his own will, much less can he be governed by the will of others."¹²³ All men are born equal under the law of nature, which is prior to all human contrivances and as such "we are knit and connected in the eternal frame of the universe, out of which we cannot stir."¹²⁴ All power has its source in God and as such is limited by him also; this excludes for Burke, any notion that arbitrary power existed let alone could be exercised. Those who attempt to wield arbitrary power place their feeble will ahead of divine wisdom and justice.¹²⁵ "Law and arbitrary power are at natural enmity," and it would seem for Burke these are two ends of a scale on which the government or actions of men exist. There is no man who, when faced with an attempt to wield arbitrary power, will not resist it. Arbitrary power and government are a contradiction in terms, as he argues "[w]e may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute will in the place of it is an enemy to God."¹²⁶

For Burke, Hastings, as governor in India, was obliged to act under both a discretion and under the laws of those bodies to which he was accountable. Under the discretion or trust, he was obliged to act "according to the solid established rules of political morality, humanity, and

¹²² Burke, 'Speech on Opening of Impeachment', 346-7.

¹²³ Burke, 'Speech on Opening of Impeachment', 350.

¹²⁴ Burke, 'Speech on Opening of Impeachment', 350.

¹²⁵ Burke, 'Speech on Opening of Impeachment', 350-1.

¹²⁶ Burke, 'Speech on Opening of Impeachment', 351.

equity.”¹²⁷ Under the laws, he was bound to act, first, according to the law of nature and nations; secondly, “according to the Laws, statutes and Acts of the Parliament of Great Britain, either in their Letter or in their spirit”¹²⁸; thirdly, to act according to the “laws, rights, usages, institutions and customs” of the Indian people; and fourthly, according to the rules, and decisions of the directors of the East India Company.¹²⁹ This was a complicated myriad of laws and discretions that Hastings was required to act according to, and perhaps with such a varied number of authorities operating in new relations to one another it was not surprising that he was able to so freely abuse and peculate. It was for this reason that the concern of neighbourhood was an important part of Burke’s view of how British Empire in India could function. Hastings was attempting, by playing these laws against each other, to introduce something new to each of these authorities and the neighbourhood that encompasses them all. Burke had tried to secure the rights of the Indian people in relation to Britain and the Company in Fox’s India Bill, providing a charter which could be looked to, to prevent this kind of behaviour. But the failure of Parliament to pass this legislation had not loosened the connection between everything done in India and the social and political order in Britain. Despite what Hastings argued it was by established rules and principles that all governors should act, as such Britain was duty bound to regulate and if necessary judge.

In judging Hastings, Burke was very clear that the Lords were not simply passing judgement on Hastings’ guilt or innocence, they were also deciding whether “millions of mankind shall be miserable or happy.” He emphasised that they did not decide “the case only,” but also “fixed the rule.”¹³⁰ As a new political community the rules of this imperial neighbourhood were less established and certain. While it was clear to Burke what the customs and manners of both Britain and India should demand, the actions and decisions of the Lords would set up the precedent from which the expectation of the neighbourhood would be established. It was in this sense that they would make millions of people miserable or happy, because it is not through forced obedience and laws, but through the establishment of trust that the order of society was happily established and maintained.

¹²⁷ E. Burke, ‘Speech in Reply’ [28, 30 May, 3, 5, 7, 11, 12, 14, 16 June 1794], *Writings and Speeches of Edmund Burke: Volume VII India: The Hastings Trial 1789-1794*, (ed.) P.J. Marshall, (Oxford: Oxford University Press, 2000), 256.

¹²⁸ Burke, ‘Speech in Reply’, 256.

¹²⁹ Burke, ‘Speech in Reply’, 256.

¹³⁰ Burke, ‘Speech on Opening of Impeachment’, 270-1.

In making their deliberations Burke argued that the Lords were not bound by any rules apart from those of “natural, immutable, and substantial justice.”¹³¹ This was not, for Burke, simply a question of the infringement against the letter of positive laws, but rather a question of infringement against the spirit and principle that underlies these laws. There was and always would be a danger in abiding too strictly to the letter of the law in areas where good judgement and government have not had a chance act. These were new questions, so while they may find laws which guide them and set out what judgements and actions should be taken, they must inquire as to whether the application of such laws was consistent with the spirit which guided their creation. It was Parliament’s role to deal with those instances where new questions were being asked, where technical and formal rules were insufficient. This was something he felt they had done very poorly, losing their colonies in America, and allowing what he described as one of the “most corrupt and destructive tyrannies to have ever existed” to become established under their trust in India.

The extent of Britain’s concern and corresponding responsibilities had clearly been extended by its actions in recent years. The Lords, Burke argued, had always had a boundless power and unlimited jurisdiction.¹³² They had always been able to make whatever decision necessary, but this concern had always been focused within Britain. The appeals for justice from India showed though, that they now also had a boundless object. Relief was applied for not from this country or the other, but from “whole tribes of suffering nations, various descriptions of men, differing in language, in manners and rights, men separated by every means from you.”¹³³ There were for Burke in particular, appeals for justice that came from all parts of the Empire, appeals based on the concern of neighbourhood. All members of the imperial neighbourhood were concerned in the issue of whether justice was to be upheld, and whether the British Empire was indeed founded on the principles and spirit found in the British constitution. It was clear to Burke that physical distance was no longer the obstacle it had previously been and so connections which brought men into close relations establishing common areas of interest, created neighbourhoods which had a concern in the maintenance of good order in these relations.

¹³¹ Burke, ‘Speech on Opening of Impeachment’, 276; In making this assertion Burke was making a claim that was heavily contested in the trial, and one that went against the contemporary legal opinion, that the normal strict rules of evidence should not be applied to the trial. 276n1.

¹³² Burke, ‘Speech on Opening of Impeachment’, 277.

¹³³ Burke, ‘Speech on Opening of Impeachment’, 277.

The Lords he hoped would not hide behind rules formed on municipal maxims. An imperial justice was owed to those people who had called upon them from various parts of the empire. The Lords had the position, power and authority to act as the judge in the neighbourhood, but if they failed in this duty, the neighbourhood would take up this role and the empire in India may suffer the same fate that befell the empire in America. It must be shown, he argued, that those who “by an abuse of power have polluted the spirit of all laws can never hope for the least protection from any of its forms.”¹³⁴ Parliament not only had the power and authority, but also the imperative not only to judge abuses and infringements against positive laws and forms, but also against the infringement of the spirit that lay behind them on an equal basis. Hastings, for Burke, was not charged with crimes against forms, so much as he was charged with infringement of the “eternal laws of justice”¹³⁵ or natural law, which all Parliaments are assembled to assert, and which “forms are made to support and not to supersede in any instance whatever.”¹³⁶ The laws of all people are but mediated reflections of natural law and so where it is shown that an action infringes upon these laws of justice, it not only supersedes the laws of men, but highlights the need for reform and presents the opportunity to extend justice beyond narrow partiality.

British justice should not for Burke be partial; the cause of Asia should be prosecuted equally regardless who was accused of crimes. It was through giving justice to India that Burke felt this principle could be realised and the narrow partiality, so destructive of justice, could be overcome.¹³⁷ Britain had become great indeed, but they had achieved this by moving only within a circle of municipal justice. Britain had developed a great and liberal way to govern itself, but as no men were ever in a state of total independence, Britain must affect others and as such carry some degree of responsibility for the effects of its conduct. The circle of municipal justice could only take Britain so far and explained and dealt with limited questions. Burke warned that if Britain continued to move only within this municipal circle, and attempted to force nature into this circle, they would fall under a mistaken confidence that they could understand all nature, and the entire world, through British justice and British forms. It was necessary, he argued, for Britain to “enlarge the circle of justice to the necessities of the Empire that we have obtained.”¹³⁸ Empire, for Burke, was not about making the whole world Britain, or making it their fiefdom.

¹³⁴ Burke, ‘Speech on Opening of Impeachment’, 272.

¹³⁵ Burke, ‘Speech on Opening of Impeachment’, 275.

¹³⁶ Burke, ‘Speech on Opening of Impeachment’, 275.

¹³⁷ Burke, ‘Speech on Opening of Impeachment’, 278.

¹³⁸ Burke, ‘Speech on Opening of Impeachment’, 278-9.

For Burke, Empire was about establishing a way of governing and relating with a disparate political community. To do this properly, the old ways, rules and forms of governing had to be open to reform and expansion. Importantly, Burke was not calling for some new invention to solve these new questions, and operate for these new political communities. Rather, Burke's call for expansion incorporated his respect for custom by using the established manners, laws and principles of government, as the basis for reacting to these changes. In this way the good parts of constitutions were protected while the antiquated and malignant parts were reformed or removed. It was central to Burke's ideas and hopes for empire that Britain would use the opportunity of the government of new and distant lands to build upon their successes and incorporate and improve their ideas, constitution and system of justice, through interaction with her empire and the world at large. This was not a hope that could be achieved by subjecting the world to British forms, and British municipal justice, but rather by extending their community into an imperial neighbourhood, where their concerns become those of others. To experience the advantage of empire however Britain must be prepared to let go some of their civil or national liberties,¹³⁹ they must be prepared to accept and embrace that they did not have perfect sovereignty of their own ground.¹⁴⁰

Conclusion

The path that Burke took in developing his arguments and positions in regards to India reflected the development that he envisaged for Britain as a nation. While he started with a concern for the municipal issues of chartered rights, he ended by expanding his understanding of the world by extending his ideas of justice and concern to a strange people in a distant land. While Britain and India had no common ties, circumstances had conspired to turn a British merchant into British government, and it was the responsibility of Parliament and the duty of Britain to ensure that such imperial government was carried out in a manner which accorded with British principles.

Burke's first engagement with Indian affairs came in the midst of the American Crisis, and reflected his concern about the manner in which British government was conducting its affairs differently beyond its borders. For Burke, the charter of the EIC made it representative of

¹³⁹ Burke, 'Speech on Conciliation with America' [22 March 1775], *Writings III*, 157.

¹⁴⁰ Burke, 'First letter on a Regicide Peace' [1796], *Writings IX*, 250.

Britain in India, and he was concerned that Parliament, in an attempt to increase revenue, was arbitrarily changing the settled terms of the charter, undermining the trust of the EIC around the world. Further, he saw Parliament's granting of the right to obtain territory as further evidence of avarice and greed, and something which could join Britain with an imperial object too great for them to manage, putting at risk British values and prosperity.

The revision in Burke's position came about not because he changed the premise from his earlier argument, but rather because it became clear to him the position of power that Britain had come to effectively hold, through the EIC, and the gross misuse that was being made of it. Building on his belief that the EIC represented Britain in India, Burke came to realise that the poor EIC government posed a serious risk not only to the Indian people, but to Britain, as it compromised and corrupted the values at the heart of the British constitution.

It was at this point that the neighbourhood aspects of Burke's thought started to produce the image in his arguments of a neighbourhood of strangers, which was the foundation for his concern for Indian affairs. This idea of neighbourhood has several strong similarities to that in Burke's American arguments, as he still made clear that the genius of the people needs to be consulted and only laws and government which conform to the "spirit, temper, constitution, habits and manners of the people" should be established.¹⁴¹ In this sense Burke recognised that there was a fundamental similarity between the operation of politics and the constitution of all political communities. But unlike with the American Colonists, where all Britain had to do was look to themselves to know what to do, this was a different type of governance, over a people strange to them. The relations of neighbourhood became established between Britain and India for Burke because of the assumption of government, power, and responsibility by the EIC and through them Britain. The Indian people became concerned not only with how British government operated over them, but also how it operated in Britain. The British people became concerned in the affairs of India because it was British government that was placed over the Indian people and the use made of it had the potential to secure or undermine and destroy the principles at the heart of the constitution.

India also forced Burke to confront, in setting out his arguments for Fox's India Bill and in making his case against Warren Hastings, the universal foundations of morality, rights, power and government. All power, authority, rights, privilege, are for Burke artificial, as they are all

¹⁴¹ Burke, 'Speech on Bengal Judicature Bill', 140.

inventions of men at some time, and are held or operate to the exclusion of each other. For Burke, this reveals the fundamental basis of all government: that it exists as a trust, not just for the people of a particular place or nation, but from the whole of mankind. In essence, all people share a concern in the establishment of good governance and order among peoples because the attempt to create absolute and arbitrary rule threaten the foundations of all government, security and liberty. Such a concern becomes more heightened the greater the abuse, and the closer at hand it occurs. For Burke, abuse and proximity combined in the actions of Hastings, whose preposterous notion of geographical morality went against all people's experience of society and government. In the midst of these abuses Burke perceived an opportunity not only to provide justice, but for Britain to realise the limitations of the partial, introverted conception of politics and justice that was becoming dominant in Britain and Europe.

Chapter 5

France: The Neighbourhood of Neighbours and the Threat of Revolution

Introduction

For Burke the Revolution in France was a disturbance to the neighbourhood of Europe that threatened to rip up not only the common foundations of European government, but to tear the fabric of the various societies of Europe and destroy all that people held certain, dear and took pleasure from in their lives. The Revolution raised important questions about change in politics and society for Burke, but more crucially it highlighted the interconnected nature of political communities. This chapter examines Burke's understanding of Europe as a local neighbourhood writ large on an 'international' scale, a neighbourhood of neighbours. As Burke saw it, the peoples and nations of Europe had developed in close proximity and this gave them a concern for one another. More importantly for Burke this physical proximity also led over time to the development of a social and political proximity that meant the ways the people lived their lives were intimately connected and inextricably linked. For Burke this not only gave the members a concern in one another's affairs, but a duty to regulate and govern the neighbourhood, which was constitutive of their very being. At the heart of this defence of the European way of life, is Burke's understanding of politics in which there is no distinction in the nature of relations at the local, national or 'international' scale.

This chapter examines Burke's arguments against the Revolution in France, and sets out how Burke's understanding of neighbourhood is central to these arguments, his political philosophy and his understanding of the world.

I. Sets out the historical and intellectual context to the French Revolution and Burke's arguments against it.

- II. Examines the concept and practice of liberty in Burke's thought, and its function in the logic of neighbourhood.
- III. Sets out the importance of Burke's neighbourhood ideas to his understanding of constitution, government and society.
- IV. Examines Burke's conception of the European neighbourhood.
- V. Sets out and considers Burke's *Law of the Neighbourhood*, and its implications for governance at the 'international' scale.
- VI. Examines the function of change in society and government and how change is to be resisted, accommodated and promoted. It also considers Burke's arguments on the place and responsibilities of political leaders not only to the people they represent, but also to the existing world and posterity.

I. Context

The context for Burke's arguments in reaction to the Revolution in France, brings together aspects of his arguments about politics in France, Britain, Europe and the wider world.

Burke's thought, and in particular the idea and role of constitution that is central to his arguments about France, is rooted, as Pocock sets out, in an understanding of the ancient constitution and seventeenth century understanding of English common law.¹ For Burke and many others in the eighteenth century, the Glorious Revolution of 1688 had affirmed the ancient laws and liberties set out in positive law in the Magna Carta 1215, but emanating from before the Norman Conquest 1066.² He held the Whig interpretation of the Glorious Revolution in believing that it was responsible for Britain's "political liberty, constitutional stability, economic progress and religious freedom."³ By the late eighteenth century Burke and other prominent Whigs had retreated from the Lockean account of the Revolution which emphasised contract theory and the right of resistance, arguing instead that it was the continuation of established

¹ J.G.A. Pocock, 'Burke and the Ancient Constitution-A Problem in the History of Ideas', *The Historical Journal*, 3/2, (Cambridge University Press, 1960), 125-43.

² Pocock, 'Burke and the Ancient Constitution', 128; H.T. Dickenson, 'The Eighteenth-Century Debate on the 'Glorious Revolution'', *History*, 61, (1976), 28-45.

³ E. Cruickshanks, *The Glorious Revolution*, (Basingstoke: MacMillan Press, 2000), 1; Indeed Burke is an important voice in shaping and reinforcing this Whig interpretation into the Nineteenth and Early Twentieth Centuries. See: T.B. Macaulay, *The History of England from the Accession of James II: In three Volumes, 1-3* [1848-61], (London: J.M. Dent & Co, 1917).

principles of governance that made the Revolution glorious.⁴ In the last two decades of the seventeenth century, Louis XIV had established his ‘absolutist’ rule in France, had brought France to positions of power and prosperity, and was looking to expand his power throughout Europe.⁵ For Burke, the importance of the Glorious Revolution was not only that it reaffirmed the ancient constitutional liberties in England, but under William III England acted to protect the European neighbourhood, standing against the expansionist Louis XIV as the defender of Protestantism, “arbitress of Europe” and the “tutelary Angel of the Human race.”⁶ As much as the development and expectations of Britain during the eighteenth century were shaped by the Glorious Revolution, the ‘absolutist’s system of Louis XIV guided the development and expectations of France, right up to the Revolution in 1789.⁷

The more immediate context for the French Revolution and Burke’s arguments came from Britain’s defeat of France in the Seven Years War, which increased British global power at the expense of France. This defeat led France, under Louis XVI, to follow a “financially ruinous foreign policy”⁸ in an attempt to seek revenge on Britain, supporting Britain’s rivals in India and, at great expense, the American Colonists fight for independence.⁹ While France’s part in severely damaging the British Empire in America brought some sense of revenge and restoration of international prestige, the cost of these efforts had brought them to the brink of bankruptcy.¹⁰

The intellectual environment of eighteenth century France, while not the triggering cause of the Revolution, did much to question key aspects of both the political system of the *ancien regime* and Europe in general. Prominent French writers like Montesquieu, Voltaire and Helvétius, building on the arguments of Englishmen Newton and Locke, made reason and rationalism the watch words of the growing French Enlightenment.¹¹ Diderot and D’Alembert started to produce the

⁴ Dickenson, ‘The Eighteenth-Century Debate on the ‘Glorious Revolution’’, 42-3.

⁵ P.W. Fox, ‘Louis XIV and the Theories of Absolutism and Divine Right’, *the Canadian Journal of Economics and Political Science / Revue canadienne d’Economie et de Science politique*, 26/1, (1960), 126-42; W. Beik, ‘The Absolutism of Louis XIV as Social Collaboration’, *Past and Present*, 188, (2005), 195-224; G. Lewis, *The French Revolution: Rethinking the Debate*, (London: Routledge, 1993), 4; W. Doyle, *The Oxford History of the French Revolution*, (Oxford, Oxford University Press, 1989), 31.

⁶ E. Burke, ‘First Letter on a Regicide Peace’ [1796], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R. B. McDowell, (Oxford: Oxford University Press, 1991), 234; J. Wells & D. Wills, ‘Revolution, Restoration, and Debt Repudiation: The Jacobite Threat to England’s Institutions and Economic Growth’, *The Journal of Economic History*, 60/2, (2000), 420.

⁷ W. Doyle, *Origins of the French Revolutions*, (Oxford: Oxford University Press, 1999), 54-64; Doyle, *The Oxford History of the French Revolution*, 392-3; Lewis, *The French Revolution*, 4.

⁸ Lewis, *The French Revolution*, 3.

⁹ Doyle, *The Oxford History of the French Revolution*, 66; Lewis, *The French Revolution*, 21-2.

¹⁰ Doyle, *Origins of the French Revolutions*, 45-53.

¹¹ S.F. Deane, ‘Burke and the French Philosophes’, *Studies of Burke and his Time*, (1968), 1114.

Encyclopédie,¹² which became a focal point for the *philosophes*, who were as focused on practical reform as they were on the philosophical speculation.¹³ Most prominent among these thinkers was Rousseau, whose literary and philosophical works made him one of the most prominent figures of this time.¹⁴ It was Rousseau's ideas and words that seem to have been most frequently referred to during the Revolution,¹⁵ and it was Rousseau's influence that Burke discerned in the Revolution and argued so vehemently against.¹⁶ At the heart of Burke's concern with Rousseau's philosophy, adopted by the Revolutionaries, was that it taught benevolence to the whole species, but want of feeling for every person with whom they have real contact, a position antithetical to the neighbourhood ideas of Burke.¹⁷

As Cone highlights, Burke, throughout his career, never attempted to conceal his dislike for France.¹⁸ But unlike fellow Whigs Fox and Sheridan he seems to have shown little interest in the first convocation for 175 years of the Estates-General in France.¹⁹ As events unfolded Burke

¹² The *Encyclopédie* was modelled after the Chambers' Cycopaedia published in London in 1728, but went much further as its purpose was to advance knowledge and new ideas, rather than simply summarising it. Doyle, *The Oxford History of the French Revolution*, 66.

¹³ T.E. Kaiser, 'This Strange Offspring of Philosophie: Recent Historiographical Problems in Relating the Enlightenment to the French Revolution', *French Historical Studies*, 15/3, (1988), 549-562; P.H. Meyer, 'The French Revolution and the Legacy of the Philosophes', *The French Review*, 30/6, (1957), 429-434.

¹⁴ Deane provides a well set out account of Burke's engagement and differences with the *philosophes*. In particular he argues that Burke launched a 'two pronged attack' on the one hand against Voltaire, Helvétius, and other *philosophes*, and on the other against Rousseau as the "standardbearer of extreme "Vanity."" Deane, 'Burke and the French Philosophes', 1114, 1113-1137.

¹⁵ G.H. McNeil, 'The Cult of Rousseau and the French Revolution', *Journal of the History of Ideas*, 6/2, (1945), 197-212.

¹⁶ Burke argued that all of the leaders of the Revolution in France competed to be the most like Rousseau, but that there were all ultimately Rousseau in their minds, manners and practices. He describes Rousseau as a philosopher of vanity, who taught "selfish, seductive, ostentatious vice, in the place of duty" and most importantly highlighted the hypocrisy at the heart of his arguments where he argues with tenderness for the rights and plight of people of the remotest relation, while casting away his children to a foundling hospital. E. Burke, 'Letter to a Member of the National Assembly' [1791], *Writings and Speeches of Edmund Burke: Volume VIII The French Revolution 1790-1794*, (ed.) L. G. Mitchell, (Oxford: Oxford University Press, 1989), 312-7; F.P. Lock, *Edmund Burke: Volume II, 1784-1797*, (Oxford: Clarendon Press, 2006), 356-7.

¹⁷ Burke, 'Letter to a Member of the National Assembly', 314; Deane, 'Burke and the French Philosophes'.

¹⁸ C.B. Cone, *Burke and The Nature of Politics: Volume II The Age of The French Revolution*, (Lexington: University of Kentucky Press, 1964), 292.

¹⁹ The financial crisis in France in the late 1780s led to confrontation between the court, the thirteen *parlements* led by the Paris *parlement*, and the majority of the provincial estates led by Brittany that underlined Louis XVI's indecisiveness. In an attempt assert power the Court sought to force the *parelement* to register new land taxes. These were declared illegal, and the move eventually led to the Paris *parlement* issuing a document entitled 'The Fundamental laws of the Kingdom', and argued that only an Estates-General of the realm could sanction new taxes. In response Lamoignon produced the 'May Edicts' which attempted to nullify the Judicial and legislative powers of the *parlement*. This was to last for only three months after which on 8th August 1788 the edicts were rescinded and the first Estates-General for 175 years was called to meet in May 1789. Ten days later the government officially declared it was bankrupt, and the political crisis that had broken out over the summer rolled on into the autumn and winter. The Estates-General was to be made up of the first estate of Clergy, second estate of Nobility and the third estate. Importantly the third estate was given the same number of representatives as the first and second combined, doubling its number from when it last met in 1614 when they were essentially equal.

received information through correspondence and relayed accounts from friends and acquaintances in France, and at first he seems to have neither hated nor feared the Revolution.²⁰ But as Lock highlights, the rejection of a second chamber, the march to Versailles, the attack on the Queen in her bedroom, the forced return of the Royal family to Paris and the nationalisation of church property, quickly firmed Burke's position and led him to describe the events as "the total Political extinction of a great civilised nation."²¹ As worrying as events in France were for Burke he was equally concerned by the reaction within Britain and the rest of Europe. Many of the Whigs in Britain led by Fox, at first embraced the Revolution, seeing it as a repeat of the Glorious Revolution in France.²² Radicals also saw the Revolution as a step towards existing proposals for reform of the British government such as the Westminster Association's six point plan.²³ Burke also received a number of accounts and correspondence from people who felt that he would view the Revolution in a positive light, among these were letters from Paine, who had become friends with Burke over the previous years while in Britain.²⁴ The publication which most alarmed Burke, or at least the one he chose to address directly, was Richard Price's sermon

In the build-up to the elections and the first meeting of Estates-General, pamphlets such as Abbe Sieyès's *What is the Third Estate* led to increasing pressure for the formation not of the Estates-General composed of clergy and nobility, but a national assembly. The defection to the third estate of sympathisers from the Clerical and noble estates, meant that on 17th June the Estates-General transformed into the National Assembly, and promised to provide France with a new constitution. There was some resistance from the Court and Louis sent armed troops into Paris, but when the chancellor Necker dismissal reached Paris, a confrontation seemed inevitable and sent crowds to the streets in search of arms. On 14 July attention was turned to the Bastille and when crowds formed entry into the inner courtyard, the garrison opened fire, killing nearly a hundred. But the standoff was quickly resolved after the French guards who had dissented bought a canon forward and it became clear the Bastille would not hold, so it was surrendered. Louis was advised that he could no longer rely on his army. As Doyle argues the acceptance of this advice marked the end of his royal authority. Lewis, *The French Revolution*, 22-24; Doyle, *The Oxford History of the French Revolution*, 66-85, 86-111.

²⁰ C.C. O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke*, (London: Sinclair-Stevenson, 1992), 387-394; Lock, *Edmund Burke: Volume II*, 241-245; Cone, *Burke and The Nature of Politics: Volume II*, 393-99.

²¹ Burke quoted in Lock, *Edmund Burke: Volume II*, 245-6.

²² D. McNally, 'Political Economy to the Fore: Burke, Malthus and the Whig Response to Popular Radicalism in the Age of the French Revolution', *History of Political Thought*, 21/3, (2000), 428; O'Brien, *The Great Melody*, 396-400; For an account of the growing divide between Burke and Fox in the lead up to 1789 see: B.W. Hill, 'Fox and Burke: The Whig party and the Questions of principles 1784-1789', *The English Historical Review*, 89/350, (1974), 1-24; For an account of the position of the Whigs and their relations to Burke during Revolution see: O'Gorman, *Whig party and the French Revolution*, (London, MacMillan, 1967); H. Butterfield, 'James Fox and the Whig Opposition I 1792', *Cambridge Historical Journal*, (1949), 293-330.

²³ Universal manhood suffrage, annual Parliaments, equal sized constituencies, the secret ballot, the abolition of property qualification for MPs and payment of MPs. H.T. Dickinson, *British Radicalism and the French Revolution 1789-1815*, (Oxford: Basil Blackwell, 1985), 4.

²⁴ T. Paine, *Letter From Thomas Paine to Edmund Burke* [7 August 1788], Colonel Richard Gimbel Collection of Thomas Paine Papers, American Philosophical Society, Philadelphia; J. Boulton, 'An Unpublished Letter from Paine to Burke', *The Durham University Journal*, 12/ 2, (1951), 49-55; As Fennessy points out Paine's talk of "total Change of Government" and generally sweeping away of the existing political institutions, designed to recruit to the Revolutionary Cause could not have been better designed to produce the exact opposite reaction. R.R. Fennessy, *Burke, Paine and the Rights of Man: A Difference in Political Opinion*, (The Hague: Martinus Nijhoff, 1963), 47, 103.

at the Revolution Society, *A Discourse on the Love of Our Country*.²⁵ It was to Price's arguments that *Reflections on the Revolution in France* directly responded.²⁶

II. Liberty, Power and the Duty of the Observation and Regulation in the Neighbourhood

In writing *Reflections* it is clear that Burke felt motivated by a neighbourly duty to the French people, his fellow Englishman and to his fellow Europeans. Given his position as a prominent MP, he emphasised his comments were not meant to represent Britain in any official capacity. He wrote as an individual and private citizen who was taking his full share along with the rest of the world in speculating on what is done or has happened on the public stage.²⁷ It was for Burke an important part of the life and responsibilities of private individual citizens to take a full share in concern and speculation of what occurs around them. It was this neighbourly concern, quietly felt and expressed by people at large that needed to be encouraged and emphasised. In attempting to gauge this concern and the general opinion of a people, it was dangerous, he argued, to simply attend to those making the loudest noise. As he put it, if six grasshoppers sat under a fern in a field making an "importunate chink" while thousands of cattle quietly chew the cud in silence, "reposed beneath the shadow of a British oak" it should not be thought that the grasshoppers are the only inhabitants of the field.²⁸ There were certain clubs that were very exuberant in their support of events in France, but it would be a mistake to assume this was the general inclination of Englishman and not attend to the many concerns that what was occurring may be quite imprudent.

Burke was clear that he felt a very strong concern for the people of France that they might be "animated by a spirit of rational liberty." Further, he felt those in positions of power and authority within France were duty bound to provide "a permanent body in which this spirit might reside" and an "effectual organ, through which it might act."²⁹ For Burke, the desire to

²⁵ R. Price, *A Discourse on the Love of Our Country: Delivered on Nov. 4, 1789, at the meeting-house in the Old Jewery, to the Society for Commemorating the revolution in Great Britain. With an Appendix containing the report of the committee of the Society*, (London: George Stafford, 1790).

²⁶ *Reflections* was written as a reply to a young Parisian acquaintance of Burke, Charles-Jean-François Depont, who had written to him to seek his assurance on the future of the Revolution. O'Brien, *The Great Melody*, 394-6, 401.

²⁷ E. Burke, 'Reflections on the Revolution in France' [1790], *Writings VIII The French Revolution 1790-1794*, (ed.) L. G. Mitchell, (Oxford: Oxford University Press, 1989), 56.

²⁸ Burke, 'Reflections on the Revolution in France', 136.

²⁹ Burke, 'Reflections on the Revolution in France', 54.

have a society which embraces the established principles of *liberté, égalité* and *fraternité* was a great and noble one. As was clear in his writings on America, the ideas and principles of liberty, equality, and family were extremely important. But for Burke the French Revolutionaries and their supporters were not interested in these established ideas. Rather they were set on creating a new system which they thought would better embrace and promote these ideas.

“We have discovered, it seems, that all, which the boasted wisdom of our ancestors has laboured to bring to perfection for six or seven centuries, is nearly or altogether matched in six or seven days, at the leisure hours and sober intervals of Citizen Thomas Paine.”³⁰

Burke’s problem with liberty, equality and fraternity in the minds of the French Revolutionaries was that their view of them was stripped of everything down to the abstract ideas. These were absolutes and as such had no place in the world of men. Their pursuit of abstract notions at the expense of accumulated wisdom and knowledge was extremely dangerous, not just for those individual leading the Revolution or even the people and nation of France, but the entire neighbourhood of Europe and beyond. Burke argued that he loved liberty, but this for him meant a “manly, moral, regulated liberty,” a liberty which was practiced and proven in the world. He argued:

“But I cannot stand forward, and give praise or blame to any thing which relates to human actions, and human concerns, on a simple view of the object, as it stands stripped of every relation, in all the naked and solitude of metaphysical abstraction. Circumstances (which with some gentlemen pass for nothing) give reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind. Abstractly speaking, government, as well as liberty is good.”³¹

As highlighted in his discussion of chartered rights in relation to India, an approbatory sense can become associated with terms such as ‘charters’ and ‘liberty.’ While such things are rightly seen as important sources of happiness and good, it is not liberty per se that brings about the good effect, but rather the various ways that mankind finds to use, regulate and ensure liberty. All

³⁰ E. Burke, ‘Fourth Letter on a Regicide Peace’ [1795], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R. B. McDowell, (Oxford: Oxford University Press, 1991), 82.

³¹ Burke, ‘Reflections on the Revolution in France’, 57-8.

Burke felt he could say of liberty as such is that when it is seen at work, the principle of liberty is a strong principle indeed.³² To praise or condemn before a proper view can be taken, not only does not benefit, but acts as a hindrance, as “[f]lattery corrupts both the receiver and giver.”³³ Only when liberty has combined not just with government but with “public force; with discipline and obedience of armies; with the collection of and effective and well distributed revenue; with morality and religion; with the solidarity of property; with peace and order; with civil and social manners,”³⁴ can a judgement be made of its use. Burke argued that just as he would not have congratulated the French government ten years previously because they did not happily combine their governing with liberty, he would not now congratulate those who had usurped the government in the name of liberty until there was clear evidence of the manner in which the liberty would act and the way in which it would be governed.³⁵

The French Revolution and its focus on liberty was an extreme practical consequence of following the lines of thought generated by abstract philosophy that had come to the fore in the Enlightenment.³⁶ In identifying principles of absolute good they created a seemingly irresistible view of objects that took no account of why these objects had been rendered good in the first place. While for Burke nothing can be held absolute and sacred in the long term, what already exists must be given preference over some new idea of how to operate, until it can be demonstrated that its practical operation is praiseworthy.³⁷

With individuals, he argues, the effect of liberty is that they do as they please.³⁸ As such the prudent action in the case of insulated individuals is to let them do what they please and see what they do with this freedom, before we congratulate or condemn them.³⁹ This is though different within groups and in society, as “liberty when men act in bodies, is *power*.”⁴⁰ While an insulated individual can simply be observed in doing what he pleases, such a course cannot be prudently followed when men are in combination. While the prudence of observation of what men do with liberty still holds for Burke, caution must be taken with new power and new men. When the two

³² Burke, ‘Reflections on the Revolution in France’, 58.

³³ Burke, ‘Reflections on the Revolution in France’, 58.

³⁴ Burke, ‘Reflections on the Revolution in France’, 58-9.

³⁵ Burke, ‘Reflections on the Revolution in France’, 58.

³⁶ See: Deane, ‘Burke and the French Philosophes’, 1113-1137.

³⁷ Burke, ‘Reflections on the Revolution in France’, 58.

³⁸ Burke, ‘Reflections on the Revolution in France’, 59.

³⁹ Burke uses the term ‘insulated’ here but later talks about ‘isolated’ individuals. I have taken Burke’s use of these two terms as essentially synonymous and have mainly used ‘isolated’.

⁴⁰ Burke, ‘Reflections on the Revolution in France’, 59.

occur at once and there is little experience on which to base judgement, circumspection must be the default position, and judgement must be deferred until a view can be taken. So for Burke, because we exist in society, and because liberty always acts in bodies, liberty is always power, and so is always the concern of others around them. This is the heart of Burke's ideas of neighbourhood. People must always be in society and it is the actions of those individuals closest to us that concern us most and it is out these of concerns that the common modes of social and political order are created.

As Burke would later argue in his *First Letter on a Regicide Peace*, men do not have a right to act according to their pleasure or without any moral tie.

“Men are never in a state of *total* independence of each other. It is not the condition of our nature: nor is it conceivable how any man can pursue a considerable course of action without its having some effect upon others; or, of course, without producing some degree of responsibility for his conduct. The *situations* in which men relatively stand produce the rules and principles of that responsibility, and afford directions to prudence in exacting it.”⁴¹

It is because of this that he says “considerate people”—that is people aware of their concern not only for their own, but also for others actions—will reserve their declaration until a view can be taken. For Burke, there is a general concern for how freedom and power are exercised within the vicinity of their actualisation. The neighbourhood not only reserves the right to judge the uses made of power, but also has a duty to regulate its use according to established principles. Within the European neighbourhood then, France was not at liberty to act solely as it wished, and as France was not an isolated individual, the rest of the neighbourhood was not at liberty to simply sit back and observe. The implication of this neighbourhood understanding is that no nation or people are ever perfectly sovereign, and never act in total isolation. As both individuals and communities “we have an important part of our very existence beyond our limits,” and just as we must stretch our thought beyond our *pomoerium*,⁴² so those close to us must stretch their thoughts beyond their limits and realise that an important part of their existence lies within our *pomoerium*.⁴³

⁴¹ Burke, ‘First Letter on a Regicide Peace’, 249.

⁴² A strip of ground marking the formal, religiously constituted boundary of a Roman city.

⁴³ Burke, ‘Fourth Letter on a Regicide Peace’ [1795], *Writings IX*, 56.

III. The Partnership of All Mankind—Never Old, Middle Aged or Young

For Burke, all men are limited by the constitution of the society or societies in which they operate. Even monarchs in possession of sovereign power and authority cannot exercise absolute power, or act at complete liberty. While a particular monarch may abdicate their position, they cannot abdicate for the institution of monarchy, just as governmental institutions cannot renounce their share of authority. For Burke “[t]he engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and such surrender.”⁴⁴ The constituent parts of the state are not only obliged to hold their public faith with each other, but also with any who derive “serious interest under their engagements” to the same extent that the whole state is “bound to keep its faith with separate communities.”⁴⁵ The constitution of a state for Burke should not only draw on the various and different parts of the state to establish a government capable of bringing together the interests of these parts, but it must also take account of all those who derive a serious interest from it outside of the state, that is those who have a concern in the actions, business and fortune of the state. For Burke it was clear that as people and their communities did not and could not exist in isolation, part of the constitution also existed outside of them. He argued that the constitutions of Britain and France rested upon and imparted a duty and responsibility for the neighbourhood of Europe, from which they derived their foundations. If this were not the case, both within and between states, all competence and power would be confounded and no law would exist but the will of prevailing force. But for Burke this suggest a pre societal state, something which like the idea of absolute power, is an abstract notion and could never have practical existence.

A constitution exists for every society regardless of its forms or lack thereof, and for Burke even the most basic constitution restricts the use of power. In India, Burke argued the constitution had not been formally secured by effective written forms creating chartered rights of men, and so action could be taken to secure it. But in France a much more stable and secure established constitution existed and going against it not only affected the government of France, but all the separate communities and constituent parts, both within and outwith the boundaries of France, which have common foundations and constitutive relations with the established constitution. Burke was not against the principle of written constitutions, but for him they only function

⁴⁴ Burke, ‘Reflections on the Revolution in France’, 71.

⁴⁵ Burke, ‘Reflections on the Revolution in France’, 71.

properly when they reflect the society for which they provide guidance and security. The written forms are useless without the social aspect of prejudice, custom and manners that shaped it. For Burke, the British constitution could not operate without the prejudices of the British people or the support and security of the European neighbourhood, from which it was originally derived. It is for this reason that Burke was so adamant in his India writings and again shouts the message that the “[l]etter kills and the spirit gives life,”⁴⁶ as no matter how effectively a law may work in Britain, without British customs it will not operate with the same effect anywhere else. Forms develop in particular areas because at least to a certain extent they work. It is not a brave but a foolish man who leaves his vessel afloat in the middle of the ocean for an untested construction purely of his or worse another’s mind. Similarly a dingy that will safely secure you passage from Britain to France will be much less certain on a journey to America or India.

A balance has to be struck for Burke between reform, change, and conservation of what already exists and to varying degrees already works. He stresses that “[a] state without the means of some change is without the means of conservation.”⁴⁷ He argues that during the Restoration and the Glorious Revolution England lost her bound of union as a nation, however through the principles of conservation and correction, she did not dissolve the fabric of society.⁴⁸ Burke highlights the importance in holding to the foundations of the constitution; even if the building is in need of much repair and reform, the solid and sure foundations should not be abandoned.⁴⁹ The strength of constitutions developed over great periods of time, exhibited for Burke best in the British constitution, is that they preserved unity in so great a diversity of parts. This contrasted starkly with the geometric,⁵⁰ new, planned ideas for constitution put in place in France. This plan ripped up the chartered rights of Frenchman and with it both the foundations and fabric of their society. This revolution, setting up an abstract ideal of how to govern France and at the same time casting the old system of government in unambiguous absolute, despotic, and even evil light, called out to the rest of Europe, to all those in her vicinity who could not avoid a concern for her fate and welfare. Burke argued in such situations when “our neighbour’s

⁴⁶ Burke, ‘Speech on Opening of Impeachment’ [15, 16, 18, 19 February 1788], *Writings* VI, 345.

⁴⁷ Burke, ‘Reflections on the Revolution in France’, 72.

⁴⁸ Burke is here referring to the view of the Glorious Revolution that by removing James II and installing William III and Mary II rather than establishing some new system of government, England upheld and secured the ancient liberties of Englishmen and their Ancient Constitution. See Pocock, ‘Burke and the Ancient Constitution; Dickenson, ‘The Eighteenth-Century Debate on the ‘Glorious Revolution’.

⁴⁹ Burke, ‘Reflections on the Revolution in France’, 72.

⁵⁰ Burke makes a number references to the geometric design of France in the Revolution, intended to signify that politics was being treated as an exercise in pure reason and treated like a mathematical problem worked out in the mind without any reference to what has gone before, or who the people concerned were.

house is on fire, it cannot be amiss for the engines to play a little on our own. Better to be despised for too anxious apprehensions, than ruined by too confident a security.”⁵¹ As Burke would later argue, the law of the neighbourhood makes clear that where there is a new, untested presence in the neighbourhood there is a presumption against the novelty, and in such a case it makes sense to ensure that this novelty is not affecting your own house first, as the foundations and supports of are shared.

While the old systems, laws and customs were cast by the Revolutionaries as antiquated and obsolete, they overlooked that the ideas and system which they claimed to be self-evident were founded on the work done by their ancestors and more importantly the security that was given to ideas by being possessed as “*an inheritance from our forefathers*.”⁵² For Burke the fact that a constitution and all the rights it secures are inherited is what gives it such great value as it gives the “frame of polity the image of a relation in blood.”⁵³ Constitutions developed on this basis are connected to men by the “dearest domestic ties,” adopting “fundamental laws into the bosom of our family affections.”⁵⁴ Men unite their interests not only with those around them, but also with those who have gone before us and those who are yet to be. Inheritance preserves the constitution through a natural inclination, an inclination that is cultivated in what is the basis of society, the family. The ways people live their lives should be reflected in their government, as it will not only provide them with a system of politics that is effective, but which is also familiar. This creates a neighbourhood that is not simply concerned with the interests of the present, but feels a concern for that which has passed and for those who are yet to be. Such an understanding of the constitution of society, as we have already seen for Burke, cannot simply be concerned with and secured by what happens within the limits of a state.

For Burke, viewing our liberties in the light of an inheritance allows for the artificial institutions of man to better conform to nature, by fortifying the “fallible and feeble contrivances of our reason.”⁵⁵ While man’s reason is an incredible and most powerful thing, without guidance and restriction it is as likely to cause harm as it is to do good.⁵⁶ For Burke, the presence of canonised

⁵¹ Burke, ‘Reflections on the Revolution in France’, 60.

⁵² Burke, ‘Reflections on the Revolution in France’, 81.

⁵³ Burke, ‘Reflections on the Revolution in France’, 84.

⁵⁴ Burke, ‘Reflections on the Revolution in France’, 84.

⁵⁵ Burke, ‘Reflections on the Revolution in France’, 85.

⁵⁶ Burke likely has in mind here was the notions of abstract liberty, and theoretical accounts of how government could or should operate; and the use made of Rousseau’s arguments and moral, social and political inventions by those involved in the revolution. As Deane notes, Burke was told by David Hume that Rousseau, feeling that all the sources of wonder in literature had been exhausted, decided to produce his literary work by using the “extravagance

forefathers act as a tempering shadow over the excesses of the spirit of freedom, which in itself leads to misrule and excess.⁵⁷ For Burke this better preserves a “rational and manly freedom” than all the arguments supposedly derived from man’s reason. It is the “result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it.”⁵⁸ Further, he argues that a spirit of innovation is generally the result of a selfish temper and confined views. People he argues “will not look forward to prosperity, who never look back to their ancestors.”⁵⁹ Those who have no conception and concern for what has come before have no appreciation for what might come, and instead expect everything to come to them, and come to them immediately. The idea of inheritance produces a sure principle of conservation and transmission without excluding the principle of improvement. The advantages gained this way, Burke argues, are thus secured in a sort of family settlement. So he says:

“By a constitutional policy, working after the pattern of nature, we receive, we hold, we transmit our government and our privileges, in the same manner we enjoy and transmit our property and our lives. The institution of policy, the goods of fortune, the gifts of providence, are handed down, to us and from us, in the same course and order. Our political system is placed in just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts; wherein by the disposition of a stupendous wisdom, moulding together the great mysterious incorporation of the human race, the whole, at one time, is never old, or middle-aged, or young, but in a condition of unchangeable constancy, moves on through the varied tenour of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new; in what we retain we are never wholly obsolete. By adhering in this manner and on those principles of our forefathers, we are guided not by the superstition of antiquarians, but by the spirit of philosophical analogy.”⁶⁰

While particular inheritances are unique, the practice of inheritance is not only universal, but a natural part of human life. We receive and enjoy the gifts of life, property, wisdom and liberties

of his invention in politics and in morals.” (Deane, ‘Burke and the philosophes’, 1125-6) For Burke, the point of Rousseau’s work was to cause a stir and not to have his proposals adopted. Burke even suggested that had Rousseau been alive during the Revolution, and in a “lucid interval,” he would have been shocked by the practical frenzy and paradoxes those following his arguments had created. Burke, ‘Reflections on the Revolution in France’, 219.

⁵⁷ Burke, ‘Reflections on the Revolution in France’, 84-85.

⁵⁸ Burke, ‘Reflections on the Revolution in France’, 83.

⁵⁹ Burke, ‘Reflections on the Revolution in France’, 83.

⁶⁰ Burke, ‘Reflections on the Revolution in France’, 84.

from our ancestors and by making use of them for our own time we seek to adapt and improve upon them so we may hand them down to our children. In this inclination and practice the people of Britain were no different from the people of France, America, India, or any place on earth. It is through the symmetry in constitutions, customs and practices that we are able to comprehend different cultures and peoples, and recognise where common foundations create proximity between peoples and their moral, political and social systems. Here it is evident that Burke makes no distinction in his thought between the relations of individuals and the communities they form; for him politics at the local, national or 'international' scale are all concerned with the same questions regarding the "great mysterious incorporation of the human race." While individuals are limited in their faculties and have a temporary or transitory existence, the nature of communities is that they have a permanent body, made up of transitory parts. Burke marvels at the way in which society, when properly constituted, combines the transitory inclinations and phases of human life and inclination, so that novelty and continuity; old, middle-aged and young, are always combined. For Burke, society functions in this way because of neighbourhood relations. It is the concern for a community that is an intimate part of who we are as individuals that leads us to both restrain novelty and invention, but also strive to reform and replace the antiquated and malignant parts of the community.⁶¹

The emphasis for Burke is on the permanence of political and social systems and practices. However even the most powerful inclinations can be severely damaged and even destroyed by the type of full frontal assault the French Revolutionaries mounted on the inherited liberties, government, customs and manners for the French people. Not only were the links between generations being permanently damaged by placing a vast knowledge, experience and wisdom forever out of full reach, but the successors to this new state were to be taught no respect for what has gone before. Without this link between generations Burke argued, men are little better than flies of summer.⁶² By destroying all reverence for what is passed down, a new inheritance is established: that people are bound to no constitution or system, even those established on the apparent Rights of Man. At the heart of this attack on the established systems of governance and rejection of ancestral ties was the mistaken conception of society as contract that can be dissolved and reconstituted. This argument had been mistakenly made in regards to the Glorious Revolution, and American independence, which for Burke were examples of the exercise and continuation of liberties, established rights, and an ancient constitutional system.

⁶¹ Burke, 'First Letter on a Regicide Peace', 250-1.

⁶² Burke, 'Reflections on the Revolution in France', 145.

For Burke “society is indeed a contract” but not a “subordinate contract” for objects of trade and “occasional interest” that can be dissolved on whim, which was widely suggested. These for him are merely “partnerships in things subservient only to gross animal existence of a temporary and perishable nature.”⁶³ Rather society is a contract in the sense that it is “a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection.”⁶⁴ The nature of such contracts of society is that their ends cannot be achieved even in many generations, and so are partnerships “not only between those who are living, but between those who are living, those who are dead, and those who are to be born.”⁶⁵ What constitutes and binds these contracts of society is the extent to which these societies are part of who people are. These are not merely national societies, but societies of science, art, religion, and even civilisation, in which people share a common concern for the neighbourhood, or established practices of their society. While states are permanent bodies they are not eternal, as they have origins and can end. So he argues it is important to realise:

“[e]ach contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place.”⁶⁶

For Burke, societies are not unitary entities as they will always be constituted by other societies which may exist wholly or partially inside or above them. All societies owe their origin and are bound by the eternal society of all people in all times. As he argued in his case against Hastings “the laws of morality are the same everywhere.”⁶⁷ While the exact form of prohibitions against murder, peculation etc. will be particular to societies; all societies must conform to them in substance. If we view all human society through the analogy of contract, then all societies are sub-clauses to it, which depending on interrelation and proximity of subject are the concern of those operating under different branches and sub-clauses. The idea of neighbourhood in Burke’s thought, helps him to identify and comprehend how the proximity of and interrelations of sub-clauses operate and have practical effect in the world. Burke argues that the municipal

⁶³ Burke, ‘Reflections on the Revolution in France’, 146-7.

⁶⁴ Burke, ‘Reflections on the Revolution in France’, 146-7.

⁶⁵ Burke, ‘Reflections on the Revolution in France’, 146-7.

⁶⁶ Burke, ‘Reflections on the Revolution in France’, 147.

⁶⁷ Burke, ‘Speech on Opening of Impeachment’, 346.

corporations of the “universal kingdom” are not “morally at liberty at their pleasure, and on their speculations of a contingent improvement, wholly to separate and tear asunder the bands of their subordinate community.”⁶⁸ There is both an obligation and concern not only to one’s own community, but also beyond to the communities around us, founded on a common basis in manners, law, religion, custom and interests. These are obligations and concerns of neighbourhood which recognise our interests lay also in others and others’ interests lay also in us.

The realisation of far reaching concern and obligation is not however something that people are expected to comprehend. Rather the sense of community, nationality and ultimately humanity that people feel is for Burke rooted in the basis of family and the experience of one’s immediate vicinity or neighbourhood. It is the immediate world around each person that is the contact point into society.

“To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country and to mankind. The Interests of that portion of social arrangement is a trust in the hands of all those who compose it; and as none but bad men would justify it in abuse, none but traitors would barter it away for their own personal advantage.”⁶⁹

For Burke, attachment to those around us is the very foundation of society, the fountain of manners and morals from which all drink. It is through the immediate connections all men experience in early life that they learn how to be a member of a community and relate to others. As Burke sees it, this foundation in society is the “first link” of a series through which we become acquainted with people at increasing distance, from townsmen, to countrymen, all the way to the whole of mankind. People for Burke, are never totally independent of one another, but it is important to realise that it is through a concern for those closest to us that we come to comprehend a concern for mankind and not through a concern for mankind that we realise our concern those who are close. The subdivision creates the sense of belonging that is fundamental to human existence but, Burke is quick to remind his reader, the liberty and use of power in these particular portions of social arrangement operate on trust. As he argued in his *Speech on*

⁶⁸ Burke, ‘Reflections on the Revolution in France’, 147.

⁶⁹ Burke, ‘Reflections on the Revolution in France’, 97-8.

*Fox's India Bill*⁷⁰ no political entity has a self-derived right, and strictly speaking all power, privileges and rights exist on trust from the rest of mankind and ultimately should be for the benefit of mankind. Rights and privileges are not something innate in people, but operate as functions of societies. For any subdivision to exclude the rest of mankind from the use of a power also entails accountability to mankind, past present and future for the use made of the power. Such exclusions convey on mankind a concern and duty for the use made of the power granted to subdivisions.⁷¹ For Burke, while it is useful to comprehend the ultimate source of power and authority, 'mankind' is an abstract concept. In practice it is those people in close physical, political or social vicinity, who are concerned with the use made of a trust and so retain the right and duty to judge.

IV. The European Neighbourhood

The basis for Burke's understanding of neighbourhoods on an 'international' scale stems from the way he conceived of Europe and perceived its political communities to interrelate and coexist. He remarked that writers on public law had, with good reason, often referred to the 'aggregate' of European nations as a 'commonwealth', and that he saw Europe as "virtually one great state." The key to this, he argued, was that they shared common foundational elements of society and political order. These common foundations were in Christian religion; a polity and economy based on Germanic or Gothic custom, feudal institutions, and Roman law; and a monarchical order which shaped the various states of Europe. Most important for Burke was that out all of these common elements a system of manners arose that is "nearly similar in all this quarter of the globe."⁷² The nations and states comprising Europe only differed in their "diversity of provincial customs and local establishments."⁷³ They were part of a neighbourhood, as their very existence, shape and identity was premised on the continued mutual existence and support. As such, a change in one part was of material concern to all others. The nations of Europe were one branch or clause of the eternal contract, but then divided into sub-clauses which, having their own particular nuances and provincial customs, operated separately but only

⁷⁰ E. Burke, 'Speech on Fox's India Bill' [1 December 1783], *Writings and Speeches of Edmund Burke: Volume V India: Madras and Bengal 1774-1785*, (ed.) P. J. Marshall, (Oxford: Oxford University Press, 1981), 385; P. Langford, 'Introduction', in E. Burke, *Writings and Speeches of Edmund Burke: Volume II Party, Parliament, and the American Crisis*, (ed.) P. Langford, (Oxford: Oxford University Press, 1981), 23.

⁷¹ Burke, 'Speech on Fox's India Bill', 385; Burke, 'Reflections on the Revolution in France', 59.

⁷² Burke, 'First Letter on a Regicide Peace', 248.

⁷³ Burke, 'First Letter on a Regicide Peace', 248.

through the continued support and relations with the rest of Europe. The common European elements were constitutive of all European societies to such an extent that there was little if anything in society which fell outside their bounds.

Religion played a vital social role for Burke, as is evident in his work on India, where he argued the Muslim and Hindu religions were key components of the societal and political orders of the Indian peoples. In Europe the influence of Christianity was no less important to the order of society, regardless of whether people were Protestant, Calvinist, Catholic, Lutheran or Orthodox.⁷⁴ It was religion for Burke that comforted people in their daily tedious struggles, provided a guide by which to live and formed a crucial component of the political systems of European nations.⁷⁵ Christianity was a core aspect of all European society and despite the various splits and denominations throughout Europe, Burke argued they all agreed on the fundamental parts and essentially have the same religion.⁷⁶ This was a remark clearly not only aimed at those attacking the church in France, but also those using religion to divide and persecute people in the land of his birth, Ireland. For Burke, the same religion permeated into the everyday lives of virtually every person in Europe, shaping their views and actions in nearly every aspect, both moral and practical.

In describing “the whole of the polity and the economy of every country in Europe” as being derived from Germanic or Gothic customary, the feudal institutions which emanated from this, and the system and discipline given to this by Roman law, Burke highlighted the common influence guiding the developments of the various peoples of Europe.⁷⁷ This gave shape to each society as they developed, rendering each comprehensible to the others and creating a common idea of justice in all the parts of the European neighbourhood. While each nation may have faced different sets of challenges and experiences creating local peculiarities, provincial customs and institutions, at bottom these systems remained the same. For Burke, all of Europe operated the same system of government, and shared a common mode and sense of justice.

This commonality was also evident in the monarchical order of all European nations. While some nations had become republics, Burke was clear that the “spirit of monarchy” was central to

⁷⁴ Burke, ‘Letter to William Smith’ [29 January 1795], *Writings IX*, 662.

⁷⁵ Burke, ‘Letter to Richard Burke’ [post 19 February 1792], *Writings IX*, 645-6, 649-52; see also: J. Welsh, *Edmund Burke and International Relations*, (Oxford: St Martin’s Press, 1995), 71.

⁷⁶ Burke, ‘First Letter on a Regicide Peace’, 248; Burke, ‘Letter to William Smith’, 662.

⁷⁷ Burke, ‘First Letter on a Regicide Peace’, 248.

all European nations, as the monarchical “classes, orders and distinctions” of society were essential parts of the fabric of their social and political order.⁷⁸ Indeed Burke argued that the republics were in many ways a more perfect form of the monarchical institution of the state, than monarchies themselves. What concerned Burke about the Revolution was not the removal of the office of monarch, but rather with the removal of the entire monarchical order of society that was integral not only to French societal order, but to the social and political order of all Europe. The “spirit of monarchy” had given European society the hierarchical order that had maintained it in a relatively stable and sustainable state for an extended period. To remove this would have been to lose both stability and the wisdom and custom that had accumulated over many generations.

While religion, law and governmental order were important to the development of Europe as a neighbourhood of nations, what made Europe a neighbourhood so close and interconnected that it was described as almost one great state, were the manners of the European peoples. Manners for Burke softened, blended and harmonized the colours, or different cultures, that compose the whole of Europe. The similarities in the forms of education throughout Europe also meant that there was such strong resemblance in the modes of intercourse, that “no citizen of Europe could be altogether an exile in any part of it,” and that a man away from his own country could never feel himself “quite abroad.”⁷⁹ The common manners of Europe rendered all members with a common way of acting, viewing and thinking in everything religious, legal, moral and social. The implication for Burke was not just that a person never finds himself totally abroad within Europe, but that members are not able to extricate or exclude themselves from the community. Along with these familiarities come duties to act and behave in a certain ways. It was through this system of manners, existing not just in one but in the all European states, that power and authority in Europe was tempered and made to fit the people it serves. It was through manners, Burke argued, that sovereigns are obliged to “submit to the soft collar of social esteems,”⁸⁰ that stern authority was compelled to “submit to elegance,” and that those who attempt to vanquish laws are subdued. Manners, Burke argued, “are of more importance than laws.”⁸¹ Laws for a great part depend on manners, as while laws only touch us now and again,

⁷⁸ Burke, ‘First Letter on a Regicide Peace’, 248.

⁷⁹ Burke, ‘First Letter on a Regicide Peace’, 248-9.

⁸⁰ Burke, ‘Reflections on the Revolution in France’, 127.

⁸¹ Burke, ‘First Letter on a Regicide Peace’, 242.

manners are all around us; they are what “soothes and vexes” us, they give colour and form to our lives, they aid, support or totally destroy morals.⁸²

Burke saw Europe as a neighbourhood based not just on physical vicinity, but on the proximity of religious, political and economic orders, and in particular a shared system of manners and education. The Revolution in France had broken with this foundation and had attempted to create a society based on principles opposite to those on which Europe was built.⁸³ The Revolutionaries constructed their republic on three bases, Regicide,⁸⁴ Jacobinism,⁸⁵ and Atheism,⁸⁶ and joined to these was a corresponding system of manners. The whole body of this new scheme of manners in support of this new politics was decisive proof for Burke of their “determined ambition and systematic hostility.” Why else, he asked, would they remove themselves from every one of the ideas and usages, religious, legal, moral, and social, of the civilized world? Why else would they, with “studied violence,” tear themselves away from the communion, except to separate and oppose themselves to this world? The French regicide society bore little resemblance to the finished virtues or polished vice that was found in the capital of an empire. Instead their society was more like a den of outlaws. This was a “system of manners” that “in itself [was] at war with all orderly and moral society, and [was] in its

⁸² Burke, ‘First Letter on a Regicide Peace’, 242.

⁸³ Burke, ‘First Letter on a Regicide Peace’, 240.

⁸⁴ “I call a commonwealth *Regicide*, which lays it down as a fixed law of nature, and a fundamental right of man, that all government, not being a democracy, is an usurpation; that all Kings, as such, are usurpers, and for being Kings, may and ought to be put to death, with their wives, families, and adherents. The commonwealth which acts uniformly upon those principles; and which after abolishing every festival of religion, chooses the most flagrant act of a murderous Regicide treason for a feast of eternal commemoration, and which forces all her people to observe it—this I call *Regicide by establishment*.” Burke, ‘First Letter on a Regicide Peace’, 240-1.

⁸⁵ “Jacobinism is the revolt of the enterprising talents of a country against its property. When private men form themselves into associations for the purpose of destroying the pre-existing laws and institutions of their country; when they secure to themselves an army by dividing amongst the people of no property, the estates of the ancient and lawful proprietors; when a state recognizes those acts; when it does not make confiscations for crimes, but makes crimes for confiscations; when it has its principal strength, and all its resources in such a violation of property; when it stands chiefly upon such a violation; massacring by judgments, or otherwise, those who make any struggle for their old legal government, and their legal, hereditary, or acquired possessions—I call this *Jacobinism by Establishment*.” Burke, ‘First Letter on a Regicide Peace’, 241.

⁸⁶ “I call it *Atheism by Establishment*, when any State, as such, shall not acknowledge the existence of God as a moral Governor of the World; when it shall offer to Him no religious or moral worship; when it shall abolish the Christian religion by a regular decree; when it shall persecute with a cold, unrelenting, steady cruelty, by every mode of confiscation, imprisonment, exile, and death, all its ministers; when it shall generally shut up, or pull down, churches; when the few buildings which remain of this kind shall be opened only for the purpose of making a profane apotheosis of monsters whose vices and crimes have no parallel amongst men, and whom all other men consider as objects of general detestation, and the severest animadversion of law. When, in the place of that religion of social benevolence, and of individual self-denial, in mockery of all religion, they institute impious, blasphemous, indecent theatric rites, in honour of their vitiated, perverted reason, and erect altars to the personification of their own corrupted and bloody Republic; when schools and seminaries are founded at publick expence to poison mankind, from generation to generation, with the horrible maxims of this impiety; when wearied out with incessant martyrdom, and the cries of a people hungering and thirsting for religion, they permit it, only as a tolerated evil—I call this *Atheism by Establishment*.” Burke, ‘First Letter on a Regicide Peace’, 241-2.

neighbourhood unsafe.”⁸⁷ They had made a schism with the whole universe, but cleverly left enough just to maintain a discourse, something which Burke saw as very dangerous, as while they may have spoken in familiar terms they had destroyed all that gave them value.⁸⁸ Burke makes this clear when he argues:

“The operation of dangerous and delusive first principles obliges us to have recourse to the true ones. In the intercourse between nations, we are apt to rely too much on the instrumental part. We lay too much weight upon the formality of treaties and compacts. We do not act much more wisely when we trust to the interests of men as guarantees of their engagements. The interests frequently tear to pieces the engagements; and the passions trample upon both. Entirely to trust to either, is to disregard our own safety, or not to know mankind. Men are not tied to one another by papers and seals. They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more than the force of treaties in themselves. They are obligations written in the heart. They approximate men to men, without their knowledge, and sometimes against their intentions. The secret, unseen, but irrefragable bond of habitual intercourse, holds them together, even when their perverse and litigious nature sets them to equivocate, scuffle, and fight about the terms of their written obligations.”⁸⁹

For Burke, what made nations and their peoples secure was not that they had treaties and compacts with other nations setting out certain agreements, nor was it that they operated under the knowledge that they were safe because what they did was in the interests of others. What made them secure was the association of men that underpinned such agreements, through the similarities and correspondence in laws, customs, manners and habits of life, which were the foundation of strong neighbourhood connections. This passage is one of Burke’s clearest articulations of how the relations of neighbourhood operate on an ‘international’ scale, it is in the same way as they operate for individuals, through resemblances, conformities and sympathies. Amity and enmity are felt most strongly in those relations that are most proximate to who we are.

⁸⁷ Burke, ‘First Letter on a Regicide Peace’, 247.

⁸⁸ Burke, ‘First Letter on a Regicide Peace’, 249.

⁸⁹ Burke, ‘First Letter on a Regicide Peace’, 247.

The relations of such an interrelated, close-knit, neighbourhood as Europe were not always peaceful. The physical, political and social proximity of people, such as that found in Europe, inevitably led to conflict. For Burke it was precisely for this reason that as neighbourhoods developed practices, customs and manners were established to regulate those aspects that make communities so close. Nothing, Burke argues, could banish war from the world, as even if it was always wrong, it remained the sole means of justice among nations. What Europe had achieved in developing their neighbourhood over the centuries, was not a means of keeping perfect trust or tranquillity, but rather through realising their similitude, they had tempered the extremes of their quarrels. It was, Burke argued, one of the “greatest objects of human wisdom to mitigate those evils which we are unable to remove.”⁹⁰ What Regicide France had done was rip apart trust and in making a violent breach with the whole European neighbourhood destroyed the mitigation that wisdom and manners had created.

V. There is a Law of the Neighbourhood

Burke argued that this violent breach of the community and neighbourhood was clearly intended either to force people to accept a new political doctrine and social system, or to make those around them live in a state of permanent enmity with the Regicide community. The former meant not only abandonment of people’s present way of life, but also forsaking their duties and responsibilities to those people who shared in the identity, security and way of life of the neighbourhood. The latter meant placing the nations of Europe and all their many and varied people in a constant state of insecurity, where only the prevailing power of force would carry. There was no basis to the argument that France had a right to act according to their pleasure, even if all were in agreement within France, and Burke was clear they were not. Equally Britain and the other members of the European neighbourhood were not totally free to act or not in regards to France. Burke’s reasoning can be summarised as follows. “The right of men to act anywhere according to their pleasure, without any moral tie”⁹¹ is false in the highest degree, as men are never totally independent of one another. Men act at liberty and according to their pleasure on trust, and as such always act under a duty and responsibility. Distance does not extinguish people’s duties or rights. While in some circumstances it can render the exercise rights and duties

⁹⁰ Burke, ‘First Letter on a Regicide Peace’, 248.

⁹¹ Burke, ‘First Letter on a Regicide Peace’, 249.

impracticable, and makes the “noxious effects of an evil system less pernicious,”⁹² this does not diminish them, but can make it difficult to act. Where circumstances make acting difficult there can be no obligation, however where acting is possible “duty is obligatory, and the rights are to be asserted.”⁹³ The compulsion here not just in regards to duties but also rights, these are for him not options, if they are not exercised, then they do not exist.

While duties and rights still pertain in spite of distance the question of how these duties are to be interpreted ‘internationally’ was Burke recognised a difficult question. It had, he pointed out, been common practice for public jurists to draw much of the laws of nations from analogies with “the principles of law which prevail in the civil community,” as this was the area in which the most judicial focus and wisdom had been placed. By this Burke did not mean positive civil laws or “statutable provisions,” but rather those aspects that he called “legal reason” that “belong to universal equity, and are universally applicable.”⁹⁴ This was the same logic and distinction that he had so often drawn on before, between the spirit and forms of constitutions. It was this sort of legal reason that Burke drew on again to argue that there was a “*Law of Neighbourhood* which does not leave a man perfect master on his own ground.”⁹⁵ France and the people of France were not perfectly free to simply do as they wished, and neither was Britain perfectly free to allow France to do this. Both Britain and France, as political communities holding rights and privileges, were in the “strictest sense a *trust*” from the rest of mankind.⁹⁶ Burke drew heavily on the analogy of a local neighbourhood, to highlight how neighbourhood operates on a larger scale. This was not an analogy between different levels, modes of existence or from one law to another, but rather from a small scale – the understanding of which was better developed, and attachments established – to a larger scale where these relations were less immediately experienced. It was the analogy of use, practice and precedent of a law in once instance to better elucidate another use and practice of the same law. He described the law of the neighbourhood or law of civil vicinity as:

“When a neighbour sees a *new erection*, in the nature of a nuisance, set up at his door, he has a right to represent it to the judge; who, on his part, has a right to order the work to be staid; or if established, to be removed. On this head, the parent law is express and clear;

⁹² Burke, ‘First Letter on a Regicide Peace’, 250.

⁹³ Burke, ‘First Letter on a Regicide Peace’, 250.

⁹⁴ Burke, ‘First Letter on a Regicide Peace’, 250.

⁹⁵ Burke, ‘First Letter on a Regicide Peace’, 250.

⁹⁶ Burke, ‘Speech on Fox’s India Bill’, 385.

and has made many wise provisions, which, without destroying, regulate and restrain the right of *ownership*, by the right of *vicinage*. No *innovation* is permitted that may redound, even secondarily, to the prejudice of a neighbour.”⁹⁷

As people are never perfect masters, no person or people can ever have a perfect right to anything, and the privilege of private property is never perfect or wholly private. A person in their own home, or a people or sovereign in their own state are not at liberty to do anything they want, as they are bound by the rights of others in the neighbourhood not to have some “new erection” imposed upon them. People have expectation that the liberty, power, rights and privileges which are given on trust,—for the maintenance of a system of benefit to the neighbourhood and beyond that mankind—will not be abused by deviating or standing in opposition to the customary practice which has been in existence and developed over a long period of time and contains the wisdom of many generations.

“The whole doctrine of that important head of praetorian law, “*De novi operis nunciatione*,”⁹⁸ is founded on the principle, that no *new* use should be made of a man’s private liberty of operating upon his private property, from whence a detriment may be justly apprehended by his neighbour. This law of denunciation is prospective. It is to anticipate what is called *damnum infectum*,⁹⁹ or *damnum nondum factum*,¹⁰⁰ that is a damage justly apprehended but not actually done. Even before it is clearly known whether the innovation be damageable or not, the judge is competent to issue a prohibition to innovate, until the point can be determined. This prompt interference is grounded on principles favourable to both parties. It is preventive of mischief difficult to be repaired, and of ill blood difficult to be softened. The rule of law, therefore, which comes before the evil, is amongst the very best parts of equity, and justifies the promptness of the remedy; because, as it is well observed, *Res damni infecti celeritatem desiderat et periculosa est dilation*.¹⁰¹ This right of denunciation does not hold, when things continue, however inconveniently to the neighbourhood, according to the *antient* mode. For there is a sort of presumption against novelty, drawn out of a deep

⁹⁷ Burke, ‘First Letter on a Regicide Peace’, 250.

⁹⁸ *De novi operis nunciatione* is Title xxxix in the Digest. Burke, ‘First Letter on a Regicide Peace’, 250.

⁹⁹ An injury not done but threatened. Burke, ‘First Letter on a Regicide Peace’, 250.

¹⁰⁰ An injury not yet done. Burke, ‘First Letter on a Regicide Peace’, 250.

¹⁰¹ A matter involving apprehended loss requires speed and delays dangers. Burke, ‘First Letter on a Regicide Peace’, 250.

consideration of human nature and human affairs; and the maxim of jurisprudence is well laid down, *Vetustas pro lege semper habetur.*”¹⁰²¹⁰³

Before a person can act in a way that has the potential to affect another person that person has a right to a say in that action: a simple enough idea, but one that pierces the heart of notions of individualism. The most striking aspect of the law of the neighbourhood is the privilege it gives to the status quo. Not only is there a presumption in favour of what is already in place but changes are to be judged and potentially condemned before they ever come into effect, and there is a clear presumption against anything new and novel. This is not the arch conservative law opposing any change that it may at first appear. It is not that a neighbour has the right or power to stop any new erection or change, but that this is a capacity, concern and right of the neighbourhood or vicinage. Each member has a responsibility to monitor potential mischiefs, but not to judge alone. This is evident in how the law of the neighbourhood operates beyond a particular community or a state, between nations, or ‘internationally’. In circumstances where there is no constituted judge, the ‘vicinage’ or neighbourhood itself is the natural judge. The members of the neighbourhood are presumed to be aware of one another actions and to know the neighbourhood. This principle is as true of nations as of individuals and has “bestowed on the grand vicinage of Europe a duty to know, and a right to prevent, any capital innovation which may amount to the erection of a dangerous nuisance.”¹⁰⁴ When a nuisance or novelty occurs, the neighbourhood is “bound to judge not litigiously: but it is in their competence to judge.”¹⁰⁵

Further what in civil society are grounds for legal action, in political society, by which Burke means a situation where there are no constituted laws or judge, is grounds for war. The exercise of this competency is a matter of moral prudence and as a suit in civil society is a subject for

¹⁰² Ancient custom is always reckoned as law. Burke, ‘First Letter on a Regicide Peace’, 251.

¹⁰³ Burke, ‘First Letter on a Regicide Peace’, 250-1. By invoking praetorian law in this fashion, Burke retained strong aspects of the established moral relations of communities, while combining them with the emerging morality of the market. This goes against the reading of Burke by people like MacPherson, who see Burke as outdated desperate in his attempts to cling on to traditional morality, rather than accept the logic of possessive individualism. C.B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (Oxford: Oxford University Press, 1962), 86.

¹⁰⁴ Burke, ‘First Letter on a Regicide Peace’, 251; Burke here references a passage from the King’s Declaration [29 October 1793], “This state of things cannot exist in France without involving all the surrounding powers in one common danger, without giving them a right, without imposing on them a duty, to stop the progress of an evil which attacks the fundamental principles by which mankind is united in civil society.”

¹⁰⁵ Burke, ‘First Letter on a Regicide Peace’, 251.

great deliberation so war and intervention more generally, must be in political society. This is not a matter to be taken lightly and ‘conditions’ must be met.

“There must be an aggregate of mischief. There must be marks of deliberation; there must be traces of design; there must be indications of malice; there must be tokens of ambition. There must be force in the body where they exist; there must be energy in the mind. When all these circumstances combine, or the important parts of them, the duty of the vicinity calls for the exercise of its competence; and the rules of prudence do not restrain, but demand it.”¹⁰⁶

As Burke laid out in his arguments in regards to India, meddling in the affairs of other peoples, was always something that required serious consideration, and should not be done to the detriment of either society. He was clear in relation to both France’s threat to Europe, and the EIC’s to India, the duty of vicinage called for the exercise of the neighbourhood’s competence. There are clear similarities between Burke’s view of Regicide France, as analogous to the building of a brothel, or night cellar for thieves and murders,¹⁰⁷ and the corrupt and peculatory practices of the EIC under Hastings. In both cases, European and British manners were not just infringed, but placed under assault. Burke’s arguments in relation to France can be seen to mirror those he had made in regards to India, when he said that he was “decidedly of the opinion” that the “vicinage of Europe had not the right, but an indispensable duty, and an exigent interest, to denunciate”¹⁰⁸ the new system before it got its foothold and thus produced the danger that was then evident and would be long felt.

The examples of France, and of a corrupt EIC, were always going to be too great to let stand. The Regicide republic could plead no prescriptions for its actions as it was a new entity and retained nothing of the ancient regime. Its establishment violated the basis of trust on which not only the community of France, but all communities were founded. Both the Regicide government and the corrupted governance of the EIC were established by crimes and abuse of the strictest trust, placing them at “war with mankind.” When such a war occurs, to be at peace

¹⁰⁶ Burke, ‘First Letter on a Regicide Peace’, 251.

¹⁰⁷ Burke, ‘First Letter on a Regicide Peace’, 251-2.

¹⁰⁸ Burke, ‘First Letter on a Regicide Peace’, 252.

with these criminals was to be their accomplice; it was the duty of the neighbourhood to use their concern and competence to prevent such actions.¹⁰⁹

VI. Adapt or Die, the Dangers of Reptilian Prudence

Burke was very clear from the outset of the French Revolution that it was a new and, to his mind dangerous, revolution not just in government, but in the system of politics and society, meaning that all that people knew and held dear would be destroyed. It was the abruptness of the departure from the old established practices, customs, laws and manner of doing things, that threatened to rip apart not just France, but Britain, all of Europe and potentially the world beyond. While Burke's reaction was to emphasise the need to conserve the status quo, and he can be read as rejecting change, central to this conservation was adaptation, reform and innovation. Novelty, for Burke, meant those things which had no basis in existing practices; in essence novelties were those things which were brought about based on an abstract idea of how of they will function. Burke's aversion was to the introduction of anything based on purely ideal and metaphysical reasoning. This did not mean that he was opposed to change. When change came about through taking those good elements of established practices and institutions, and reforming the peccant parts, he was very much in favour.

For Burke, the logic was that in introducing new ideas into existing institutions you get the advantage of the change, which is both necessary and inevitable, while retaining the security of the established practices. The concern of the neighbourhood is not only with new erections and occurrences, but also with those outdated, archaic parts and practices. Imagine for instance a person living on your street who rather than connecting their house to a sewer system or building a cesspit, continued to take their waste to an open cesspool or even discarded their buckets of waste out of their window on to the street. While at an earlier time these may have been common practices, the invention and development of sewage systems and hygiene and public health regulations should put a stop to this. In such an instance it would be the right and the duty of the neighbourhood to intervene and if necessary put a stop to such practices. Indeed given the problems caused by earlier methods of waste disposal there is a duty of the neighbourhood to seek such innovation and change. Change is a necessary part of human life,

¹⁰⁹ Burke, 'First Letter on a Regicide Peace', 253.

but this does not mean that we should live our lives like the flies of summer; the extremes of change must be tempered by providing people with some familiar parts to which they can cleave and make a judgement of the new parts. The long established customs and habits of men produce as far as possible certain results that provide this familiarity.

“The world of contingency and political combination is much larger than we are apt to imagine. We never can say what may, or may not happen, without a view to all the actual circumstances. Experience, upon other data than those, is of all things the most delusive. Prudence in new cases can do nothing on grounds of retrospect. A constant vigilance and attention to the train of things as they successively emerge, and to act on what they direct, are the only sure courses. The physician that let blood, and by blood-letting cured one kind of plague, in the next added to its ravages. That power goes with property is not universally true, and the idea that the operation of it is certain and invariable may mislead us very fatally.”¹¹⁰

We cannot know what will happen in the world and the effects that the relations and combinations of people will have on future events. We will always be surprised in our attempts to do so. All we have to judge and predict what might happen is our knowledge and understanding of what has already past. We should base our ideas of what to do on what has already worked, as this gives us the best certainty of producing a known result. While there may be metaphysical notions of how something may work better, we cannot be certain of this and once put into practice, we cannot be prudent after the fact. We should, then, combine the spirit of innovation with the disposition to conserve, and fortify the “fallible and feeble contrivances of our reason” with the wisdom inherited from our ancestors.¹¹¹ It is only by looking to what has worked and by constant and careful observation of when it is necessary to adapt to current problems and questions that we can come close to our desired results.

The path taken by men depends not just on the “reasons of the case,” it also depends on the character of these men. The same paths do not present themselves to all men or even to the same men in different tempers. Particularly in times of great decision, men can summon courageous wisdom, but also they can fall into false reptilian prudence, the result not of caution

¹¹⁰ Burke, ‘Thoughts on French Affairs’ [1791], *Writings* VIII, 364-5.

¹¹¹ Burke, ‘Reflections on the Revolution in France’, 85.

but of fear.¹¹² We should advocate prudence and caution, and be sceptical of those embracing too much ‘courage’ in their approach to politics, a “state without the means of some change is without the means of conservation.”¹¹³ There is an extreme danger that a present misfortune or even opportunity occupies the mind and completely confounds the faculties so that no future danger is provided for, justly estimated, or properly seen.¹¹⁴ There is a necessity to have the courage to adapt to new situations and circumstances, and part of this courage is to have the ability to temper one’s reaction so that it is neither too radical nor too conservative.

The appearance of Regicide France presented a new and relatively unknown entity which required constant monitoring. Not only did Regicide France pose a threat to Europe as a whole and as individual states, but, Burke warned, the nature of this threat meant that unless they “march in new ways” they would never encounter their enemy in his devious path.¹¹⁵ The enemy they encountered was not the state of France, but a faction, and as such must be dealt with differently from previous conflict and wars. All those things which normally constitute the force of a state, such as “territorial extent...its immense population, its riches of production, its riches of commerce and convention,” were all objects of secondary consideration in battling this faction.¹¹⁶ Burke argued that if armies and fortresses were any protection then Louis XVI would still have been a powerful monarch over a happy people.¹¹⁷ In these circumstances Burke argued that sure destruction came to those princes who fight the war or try to make peace in the same way as before as “the beaten path is the very reverse of the safe road.”¹¹⁸

For Burke, the response to Regicide France from the other European nations was one of the worst examples of a combination of reptilian prudence and self-interested greed. They had assumed that menace of force would scare the revolutionary Jacobins into submission, but when the menace failed these countries were not prepared to back up their front of virtue and heroism. The Jacobins, he argued, had seen from the beginning that this was a civil war of Europe between the partisans of the “ancient, civil, and political order of Europe” and “a sect of fanatical and ambitious atheists which means to change them all.”¹¹⁹ This was not about improving the government of France or the condition and lot of Frenchmen, but about changing

¹¹² Burke, ‘First Letter on a Regicide Peace’, 193.

¹¹³ Burke, ‘Reflections on the Revolution in France’, 72.

¹¹⁴ Burke, ‘First Letter on a Regicide Peace’, 193.

¹¹⁵ Burke, ‘First Letter on a Regicide Peace’, 193.

¹¹⁶ Burke, ‘Second Letter on a Regicide Peace’ [1796], *Writings IX*, 264.

¹¹⁷ Burke, ‘Second Letter on a Regicide Peace’, 268.

¹¹⁸ Burke, ‘Second Letter on a Regicide Peace’, 265.

¹¹⁹ Burke, ‘Second Letter on a Regicide Peace’, 267.

the whole social and political system for the advantage of a few men. Central to the Jacobin's success was the way they persuaded their opponents throughout Europe that this was a foreign war, which should be fought in the old ways, with old ambitions. This, Burke laments, was a remarkably easy task as they only had to persuade a "tribe of vulgar politicians" who he described as the "lowest of our species," unable to comprehend anything which they could not measure and count.¹²⁰ The heads of Europe were convinced to slip back into their old habitual course of politics, and see the flames engulfing the house of France not as a threat to their own property, but rather an opportunity to pillage from their neighbour. While they looked to gain some treasure at the expense of France, the flames were spreading from their neighbours' building. As Burke had argued in *Reflections*, it was prudent to secure one's own house first, before turning to one's neighbour to assist.¹²¹ This was a clear example, he argued, of how the leaders of Europe, through an abandonment of their neighbourly duties, were forsaking their fellow Europeans, their own people and undermining the very foundations of society and government.

Britain had reached new heights of power and wealth, but Burke warned that in order to conserve and protect this position they needed not to be self-interested and isolationist. Wealth, he argued, was good while it remains the "slave of public honour," but when honour was sacrificed for the "conservation of riches" then the means of its creation and protection were destroyed and riches would not long outlast the power which created them.¹²² Britain was a nation full even to plethory¹²³ and yet, Burke argued, the suggestion that it could maintain "its blood and its food" let alone its wealth and power, disjointed from the community of mankind, did not require "refutation as absurd but pity as insane."¹²⁴ Britain may have been able to improve her own lot or 'peculium' in the war and even further it by dealing with Regicide France, but he was clear that they could not "arrange with our enemy in the present conjuncture, without abandoning the interest of mankind."¹²⁵ Britain had become prosperous as part of the European neighbourhood, so for Burke there was no more doubtful and perplexing course of action, than to allow these foundations to be attacked, undermined and destroyed.¹²⁶ After the Glorious Revolution Britain came to the defence of her ally Holland against the ambitions of

¹²⁰ Burke, 'Second Letter on a Regicide Peace', 267.

¹²¹ Burke, 'Second Letter on a Regicide Peace', 268; Burke, 'Reflections on the Revolution in France', 60.

¹²² Burke, 'First Letter on a Regicide Peace', 194.

¹²³ An unhealthy or damaging plenitude or excess of something; a state of surfeit or glut.

¹²⁴ Burke, 'First Letter on a Regicide Peace', 195.

¹²⁵ Burke, 'First Letter on a Regicide Peace', 195.

¹²⁶ Burke, 'First Letter on a Regicide Peace', 195.

Louis XIV, when they could have sat by and lost nothing. Instead of viewing themselves detached from the rest of the world, interested only in naval power, they considered themselves embodied within Europe. This was not a self-interested idea of themselves, but rather a conception of themselves as a national community “who, sympathetick with the adversity or the happiness of mankind, felt that nothing in human affairs was foreign to her.”¹²⁷ The call Burke made was for Britain to realise her ancient place at the heart of Europe, and to adapt to fight this new threat from the faction controlling France by treating it as both a foreign and civil threat.

Burke feared that Britain’s prosperity had led it to a fall from a lofty position of “arbitress of Europe,” because its political leaders had shown themselves to be self-interested and vulgar men, in relation to France, India and America. It was to these men that the blame for Britain’s failure should be attributed and not the British people, as throughout this period in all their ranks, conditions and positions they had done what was required of them “relative to their situations in society.”¹²⁸

The logic of Burke’s position was that the people “look to their government, which they obey that they may be protected. They ask to be led and directed by those rulers, whom Providence and the laws of their country have set over them, and under their guidance to walk in the ways of safety and honour.”¹²⁹ It is the duty of political leaders and people in positions of power, Burke argued, to appreciate the temper of the people and act in their interest. Government exists so the people may be protected, all cannot and should not be in government, but that does not diminish their equal standing and privileges as citizens. The people stand acquitted “if the war is not carried on in the manner suited to its objects,”¹³⁰ that is the furthering of the British principles of government, and protecting their foundations in the European neighbourhood. People should not be afraid to take responsibility for their decisions and actions when they are taken in defence of long established principles which have been shown to bring happiness to mankind. It is those who avoid responsibility, who needed to fear because in pursuit of some immediate personal gain they risked public honour and public safety.

“The responsibility which they are to dread, is, lest they should shew themselves unequal to the expectation of a brave people. The more doubtful may be the constitutional and economical questions, upon which they have received so marked a support, the more

¹²⁷ Burke, ‘First Letter on a Regicide Peace’, 196.

¹²⁸ Burke, ‘Third Letter on a Regicide Peace’ [1797], *Writings IX*, 385.

¹²⁹ Burke, ‘Third Letter on a Regicide Peace’, 385.

¹³⁰ Burke, ‘Third Letter on a Regicide Peace’, 385.

loudly they are called upon to support this great war, for the success of which their country is willing to supersede considerations of no slight importance. Where I speak of responsibility, I do not mean to exclude that species of it, which the legal powers of the country have a right finally to exact from those who abuse a public trust; but high as this is, there is a responsibility which attaches on them, from which the whole legitimate power of the kingdom cannot absolve them; there is a responsibility to conscience and to glory; a responsibility to the existing world, and to that posterity, which men of their eminence cannot avoid for glory or for shame; a responsibility to a tribunal, at which, not only Ministers, but Kings and Parliaments, but even Nations themselves, must one day answer.”¹³¹

There is a clear imperative on all those in positions of power and authority, those in possession of the greatest trust, not just to look to a simple view of a national interest, let alone a self-interest, but to attend to the wider responsibilities to the world and to future generations that all men are concerned with. Society is a partnership of all mankind. Across national boundaries and across the generations with both our ancestors and our children, this partnership exists because it is the nature of people never to exist in a state of total independence of one another. While individuals cannot be expected to comprehend this immensity, it is through embracing our local neighbourhoods that men are taught to attend to their wider relationships and responsibilities. It is through seeing the relations of local neighbourhood apparent on the scale of nations and large combinations of people, that a better and surer basis for the development and improvement of these new and changing relations can be realised.

There was, Burke realised, little that a people could do in making their present rulers come to recognise the responsibilities of neighbourhood without causing greater damage than inaction would bring about. He was though most clear that this did not diminish the responsibility that Kings, Ministers, political bodies and even nations had to the existing world or to posterity. When Burke talked of the tribunal they must face it seems clear that he meant both the judgement of history and the judgement of the neighbourhoods of men, which acting by the right of vicinage may seek to stop or mitigate the effects of mischief.

¹³¹ Burke, ‘Third Letter on a Regicide Peace’, 385-6.

Conclusion

Burke's arguments in response to the French Revolution make clear a central tenet of all his political thought: that human beings and human action cannot be understood in metaphysical abstraction. If we are to understand the human world, Burke argues, we must take account of the circumstances in which people act and their view of how the world is shaped. We must do this because people are never truly independent of one another, and are never perfect masters on their own ground. It is this that is at the foundation of the neighbourhood aspects of his thought. The clearest articulation of how this shapes Burke's understanding of the world comes in his discussion of liberty. It was not problematic that the French Revolutionaries and the French people wanted to better secure liberty; this was a common aim not just of all Europeans, but all people. The mistake that was made by the Revolutionaries was to conflate the abstract sense of liberty, limited to one individual, with an understanding of the concept as a whole when practiced in society. When viewed in the abstract, liberty means freedom to do as one pleases. But people are never in perfect isolation and always in some form of combination. So people always have neighbours; people with who they are physically, socially or politically in close relation. In this situation, to do as one pleases affects these neighbours, and in affecting them exerts a power over them, which is something which they have a clear concern in. For Burke, the fact that people are never in total independence of one another, signifies more than a need for awareness of those around us; it means that both individuals and the communities they form always have important parts of their existence beyond their limits.

This was central to Burke's objection to the French Revolution, as for him France and the French people were not at liberty to arrange their affairs however they pleased, without reference to those neighbours whose lives and affairs were so intimately intertwined with theirs and as such affected by these changes. To think and act as if Europe and the world were composed of totally independent states was to mistake an abstract view of the world for how it actually operated and existed in practice. For Burke there is no domestic/international dichotomy of politics, as for him to limit the understanding of the operation of politics at the scale of 'international' relations to the relations of states ignores that nations themselves are composed of a great number of communities and groups, many of which operate across the limits of states and have important roles in shaping human relations at the local national and international scale. Clear examples of this were the French Revolutionaries, who he was clear were not France, but a faction, or intellectually bound community, which was spread throughout Europe. Equally, it can

be clearly seen throughout Burke's writings that, for example, religious communities operate to great effect across the limits of states, shaping both the lives of individual people and the constitution of states.

For Burke, it was a narrow view of politics indeed to see the constitutions of states as only concerning the present population and territory of a nation. First, as his description of the neighbourhood of Europe made explicitly clear, the various constitutions of Europe were simply provincial variants of the common foundations of religion, polity, economy, custom, law, order, system of education and manners. Secondly, and for Burke even more importantly, constitutions were not, and should never be, like the "flies of summer," born anew for every year or generation. Rather, we see that his ideas of neighbourhood extend not only over space, but also over time. Constitutions are pacts of societies best viewed as partnerships not only of the living, but also of those who have been and those who are yet to come. By viewing constitutions in this way, which Burke says follows the pattern of nature, we are given the security of the wisdom of our ancestors, but also the drive for innovation and improvement that comes from youth and our desire to provide for our children. When we stand back and look at the various constitutions, not only of Europe, but of communities around the world, we can see that each is but a clause in the great primeval contract that links all people in all times. On this understanding of the world that Burke felt able to speak and act in relation to the people of India, recognising both the differences and the fundamental commonalities between peoples.

Burke was very clear that despite what the propagators of declarations of the rights of man claim, these common or universal aspects of human life are not the starting point for thinking about politics, society or the human world. We do not start with the world and then make the rule at the scale of local or individual. Quite the opposite: our understanding of the world starts with our immediate subdivision of society, our local neighbourhoods or little platoons. It is from these first attachments that the great chain of our being begins and only from the germ of these immediate relations that we can come to know world. It is also these first attachments that constitute the most intimate parts of our beings, and are secured in the way we live our lives. When someone attempts to change or introduce something new into these parts of our lives, it is natural for people to be concerned. Whether the novelty is the building of a brothel or night cellar for thieves in your local neighbourhood, or the introduction of a new untested social and political system to part of a long established interconnected community, it is the concern of the whole neighbourhood and their right and duty to judge. This, for Burke, is the right of vicinage

of law of the neighbourhood, as no man, community or state is ever a perfect master or wholly sovereign even within their own limits.

Paine

“The truth sometimes takes centuries to come forth, but it always does come forth.

Paine was one of the greatest men of all time.”

T. A. Edison

Chapter 6

Introduction: Early Writings and the Foundations of Neighbourhood

Neighbourhood is the term used here to refer to a set of arguments and ideas central to Thomas Paine's social and political thought that stem from his understanding of people as societal creatures who are constituted by their relations and experiences in the world. Paine, like Burke, makes no distinction between politics at different scales of human activity, and understands that as important parts of who we are always exist beyond us, no person or community can ever be truly autonomous. The neighbourhood aspects of Paine's thought are most clearly expressed in his critique of European civilisation, which he thought had become corrupted and subverted, and his vision for how the political communities of America and Europe should be constituted and relate to each other. It is through understanding the neighbourhood ideas in Paine's thought that we are also able to reconcile and make sense of what Eric Foner calls the complexity of Paine's ideas and various strands of his thought.¹ While Paine is recognised as a key figure in the events and debates surrounding both the American and French Revolutions, as J.G.A. Pocock highlights, Paine has proven "difficult to fit into any kind of category."² This difficulty, I argue, stems from the neighbourhood aspects of his thought. These neighbourhood aspects mean that while Paine's thinking shares much with established ideas in our political thought, his arguments have never quite fit with them.

As John Keane puts it, "fortune flung [Paine] twice into the furnace of revolution,"³ and had he not moved to America in the winter of 1774, Paine may never have penned his arguments on Britain, America and France that were some of the most widely read publications of the late

¹ E. Foner, *Tom Paine and Revolutionary America*, (Oxford : Oxford University Press, 1976), xii-xiii.

² J.G.A. Pocock, *Virtue, Commerce and History*, (Cambridge: Cambridge University Press, 1985), 276; H.J. Kaye, *Thomas Paine and the Promise of America*, (New York: Hill and Wang, 2005), 7.

³ J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995), ix.

eighteenth century.⁴ As a commoner Paine had little opportunity in Britain, but in America, where he was described as a “man with genius in his eyes,”⁵ he found not only a subject but also the outlet for his pen.⁶ Paine’s arguments emerged in reaction to the events and problems he encountered, and he wrote with the intention of pulling back the curtain of mystification that hid the abuses and corruption of government, in order to educate the minds and liberate the lives of his fellow creatures.

While Paine may have found his muse in America it is clear that much of what he argued in *Common Sense*, published only a little over a year after his arrival, was shaped by the conceptions and perceptions of the world developed in the first thirty-four years of his life.⁷ On the boat to America Paine carried with him the seeds of the ideas which, activated by the blood of Englishman spilled by Englishmen, were to shake the American Colonies. Unfortunately we know relatively little about Thomas Paine the Anglican-Quaker youth,⁸ stay-maker,⁹ privateer,¹⁰ eager student,¹¹ husband¹² and exciseman,¹³ but by the time he left Britain he had experienced much in life and clearly the foundations of his thought were established.¹⁴ The best account of his views is found in the few pieces Paine penned before the massacre at Lexington and Concord on 19th April 1775, which was to fix Paine’s opinion on American independence. These ‘early writings’ play a pivotal role in understanding Paine’s arguments as they set out some of the key foundations of his thought, and make clear how Paine was affected by what he encountered in America.

⁴ Keane, *Tom Paine*, x.

⁵ P.S. Foner, ‘Introduction: Thomas Paine –World Citizen and Democrat’, in T. Paine, *The Complete Writings of Thomas Paine: Volume I*, (ed.) P.S. Foner, (New York: Citadel Press, 1945), ix.

⁶ As Eric Foner suggests, for a man in Paine’s position, America must have looked an exciting opportunity for a new life, as the image of the Colonies in Britain at this time among the more critical circles was of a “land of abundance and equality, where individual merit, not social rank, set the limits of man’s achievement. Foner, *Tom Paine and Revolutionary America*, 16.

⁷ Keane, *Tom Paine*, xix.

⁸ Paine was born to an Anglican mother and Quaker father and attended Thetford Grammar School until the age of twelve.

⁹ Paine left school to apprentice as a staymaker under his father. He was later to return to the profession when in need of money, but this was a declining profession and not a job in which Paine found much joy.

¹⁰ Paine’s first attempt to join the privateer ship the *Terrible* under Captain Death, was fortunately prevented at the last minute by his father. The *Terrible* set sail and engaged in battle with a French ship and only 17 of a crew of over 150 survived. Paine later joined the Crew of the *King of Prussia* and sailed with them for six months.

¹¹ Paine received a good educational grounding at Thetford Grammar School, and upon his return from sea Paine briefly settled in London where spent his money feeding his appetite for knowledge, by attending public lectures, circulating libraries, and some private tuition. Paine became acquainted with a group of people who shared his desire for knowledge, but were excluded from the privilege of university education.

¹² Paine married Mary Lambert, and by all accounts they were happy and very much in love. However tragedy struck when both Mary and their child died in childbirth.

¹³ After Mary’s death, Paine trained to be an excisemen, the profession of his father-in-law.

¹⁴ John Keane has produced one of the clearest accounts of Paine’s activities in England. Keane, *Tom Paine*.

I

Paine wrote one political pamphlet before he left for America, *Case of the Officers of Excise*. It argued that the wages of Paine's fellow excisemen were so insufficient that the proper execution of their duties placed them in a position of, in many cases extreme poverty.¹⁵ This was an appeal to Parliament which controlled the pay and, for Paine, had repeatedly ignored its duty of care for the excisemen. Paine argued that this neglect had occurred because MPs were in positions of "ease and affluence," from which they could not appreciate the reality of the situation. Paine argued that if they could have experienced the "cold regions of want" and the "circle of polar poverty," then "they would find their opinions changing with the climate."¹⁶ There were, he argued, habits of thinking that are particular to different conditions and the distance separating these conditions was not always physical. So, he argued, as large a shift in conditions and thinking could occur by moving a few streets as by travelling half way round the globe. For Paine, to understand the nature of distance and difference between people was to truly study mankind, and it was this interest in proximity that formed the basis of his neighbourhood ideas.¹⁷ Rather than uniting or joining with their fellow Englishmen, those in power closed off their circle or neighbourhood, seeing the interests of those outside as in conflict or competition with their own, as if they were the interests of a foreign hostile power.

Paine's argument in *Case of the Officers of Excise* concerned more than the government's monetarily undervaluing excisemen. He argued that the excisemen were essential to the workings and governance of complex and increasingly large political communities and societies, in which the key virtue was trust.¹⁸ A man, Paine argued, cannot be expected to "starve in a well stored larder because the provisions were not his own."¹⁹ The poverty these and other agents of government experienced, left good people with little option other than to abuse the public trust in order to survive; when faced not only with their own want and despair, but also that of their families "what can the *husband* or *father* do? No laws compel like nature, no connections bind like

¹⁵ T. Paine, 'Case of the Officers of Excise' [1772], *The Complete Writings of Thomas Paine: Volume II*, (ed.) P.S. Foner, (New York: Citadel Press, 1945), 3-15.

¹⁶ Paine, 'Case of the Officers of Excise', 9.

¹⁷ Paine, 'Case of the Officers of Excise', 9.

¹⁸ Paine, 'Case of the Officers of Excise', 12-3.

¹⁹ Paine, 'Case of the Officers of Excise', 11.

blood.”²⁰ These bonds of family together with those of friendship are the foundations of all communities. It was the wisdom of government, Paine argued, to consider carefully the situation of people in positions of trust, as it was not simply the wellbeing of the excisemen, but the protection of the whole revenue that was to be considered.²¹ Corruption in the ranks of the excisemen not only damaged revenue through peculation, but far more importantly for Paine it damaged Britain’s reputation as a fair trading nation, giving its neighbours reason to distrust and avoid relations and connections. While excise was by no means the only determining factor in the prosperity of Britain’s trade and commerce, the lack of regard for the trust required for it to function efficiently, showed a dearth of appreciation of the change that was taking place in the world and the reforms that were needed to reflect it. Commerce and trade were central not only to how Paine viewed the changing world around him, but also to how he understood the establishment and development of society and how the relations of neighbourhood affected its operation. Fair, mutually beneficial trade strengthened the neighbourhood bonds underwriting agreements and relations, whereas corruption loosened these bonds, making agreements uncertain and relations hostile.

II

Shortly after arriving in Philadelphia,²² Paine penned *African Slavery in America*, establishing himself alongside men like Thomas Jefferson as one of the earliest abolitionists in America.²³ For Paine, the slave trade was a clear manifestation of the false distinction, corruption of social institution, and abuse of power, position and authority rotting the heart of Europe. While there was an unfortunate history of nations enslaving prisoners taken during war, Paine argued, the modern slave trade was something quite different and beyond this. They entered nations with which there was no war, with no provocation, and with no design on conquest, to capture men like “wild beasts” to become slaves.²⁴ The Europeans disturbed the happy, quiet, industrious and peaceful African peoples, by debauching them with liquor and bribing them to turn against one

²⁰ Paine, ‘Case of the Officers of Excise’, 15.

²¹ Paine, ‘Case of the Officers of Excise’, 7.

²² At the end of November 1774, after two months at sea, Paine arrived in Philadelphia, having contracted a fever from which he was to take six weeks to recover. Indeed, had it not been for a recommendation from Benjamin Franklin, which meant he was met by friends who could offer him assistance, he may never have recovered. In his letter back to Franklin he thanks him for this recommendation and tells of a position he has taken up with the printer Robert Aitken editing a new magazine.

²³ P. S. Foner, ‘Induction’ to ‘African Slavery in America’, in Paine, *Complete Writings II*, 15.

²⁴ T. Paine, ‘African Slavery in America’ [8 March 1775], *Complete Writings II*, 16.

another. England alone, Paine claimed, was stealing a hundred thousand people every year, through direct stealing, tempting kings to sell their subjects and paying tribes to fight wars with the purpose of capturing prisoners to sell.²⁵ Paine would later describe commerce as “a pacific system, operating to unite mankind,”²⁶ but even this he made clear, was corrupted by the desire for self-aggrandizement when it was used to subjugate and divide man from man.

Men are an “unnatural commodity” and those who engaged in such a trade, Paine argued, must stifle their reasoning, go against the dictates of their heart, and sacrifice their conscience and integrity for the “golden idol” money.²⁷ This trade had a more pernicious consequence than the simple, but nonetheless heinous wrong of stealing man’s property in his freedom. As Paine saw it, by “selling husbands away from wives, and parents from children and each other,” the slave traders went beyond the simple yet abhorrent act of selling another human being, and violated the natural ties of family and society. This rips apart the most basic social relationships, corrupting the foundations of society, not just for those who are made slaves, but of those who purport themselves as owning other men. Paine made clear that it was not just people as individuals who need to reject this, but as societies people should stand against those who practice slavery and declare them enemies to their country, excluding them from their fellowship.²⁸

The practice of slavery, Paine argued, had been proved contrary to the “light of nature” and “every principle of justice, humanity and good policy,” as there was no basis for people to own other people.²⁹ Paine highlighted that there were still some men who persisted in making arguments in defence of slavery, and amongst these he stressed that the claim that slavery was supported by scripture was most appalling and erroneous.³⁰ For Paine, since the reformation the teachings and direction of Christianity has been just the opposite of this claim, as “all distinctions of nations, and privileges of one above others are ceased.”³¹ This was a mark of the improvement and progress that European civilisation had achieved, and a move towards his

²⁵ Paine, ‘African Slavery in America’, 16.

²⁶ Paine, ‘Rights of Man: Part Second’ [1792], *Complete Writings I*, 400.

²⁷ Paine, ‘African Slavery in America’, 16.

²⁸ Paine, ‘African Slavery in America’, 18-9.

²⁹ Paine, ‘African Slavery in America’, 16 Paine here references ‘Dr Ames, Baxter, Durham, Locke, Carmichael, Hutcheson, Montesquieu, and Blackstone, Wallace etc.’ this indicates that Paine was fairly well acquainted with the figures the writings and ideas before arriving in America, and helps to dispel assertions that he had ‘only a basic education’.

³⁰ Paine, ‘African Slavery in America’, 17.

³¹ Paine, ‘African Slavery in America’, 17.

neighbourhood understanding of man. It is here that Paine provides one of the first clear accounts of the neighbourhood logic at the heart of his arguments, saying “Christians are taught to *account all men their neighbours; and love their neighbours as themselves; and to do to all men as they would be done by; to do good to all men.*”³² While Paine’s use of this Christian idea is designed to appeal to the religious sentiments of the reader, it is the logic of his message that our neighbours are in a great sense ourselves and they should be treated as such that is central to his arguments. This is the foundation of Paine’s understanding of how men should interact. It is clear here that the ideas of neighbourliness and neighbourhood are central to his thinking. It is this Christian idea that is the driving influence behind all Paine’s perceptions and conceptions of the world. Every argument and campaign that Paine would embark on were premised on this Christian idea.

It was to become apparent to Paine that while the ideas of liberty were widely espoused and celebrated in Europe, the realisation of this spirit of liberty in practice had fallen far short of them. The great failure of European civilisation was the disjuncture between the theory of how men should act and relate and how they operated in practice. He would later argue that this was due to Europeans possessing the spirit of liberty, but not the principle with which to realise it.³³ The development of the modern slave trade could not simply be put down to old prejudices and customs because it was something new. It was an indication that the relations of societies and in particular the relations of neighbourhood had become subverted and corrupted. As he was to later make clear in *Common Sense*, this meant a corruption that came from making society a means to provide for government, subverting what Paine saw as the natural order between society and government.

Man stealing should, he argued, be ranked as one of the most “enormous crimes.” In not realising this, people failed to observe the divine precept of neighbourliness. People’s minds had become too closed to one another and Paine argued that he almost wished thousands of those we consider our close neighbours, were carried off, as he feared that only this experience would convince people, as reasoned argument and Biblical teaching, highlighting that the practice of slavery was wrong, had failed. He warned Americans, in concluding the essay, of the hypocrisy of those who loudly complained that Britain was attempting to enslave them, while so many were held in slavery in America. How just and suitable he argued, was the threat of slavery when they

³² Paine, ‘African Slavery in America’, 17. Emphasis in original.

³³ Paine, ‘American Crisis V’ [21 March 1778], *Complete Writings I*, 123.

continued to perpetuate this crime on their fellow men.³⁴ Americans, he argued, needed not only to publicly put behind them this vice and rectify their crimes by setting free the enslaved people, but also act in a manner that would make these people “interested in the public welfare” and feel an equal part of society. If a guide were needed for this, all they need do is ask themselves how they would like to be treated.³⁵

Britain’s involvement in African slavery was not the only concern about Britain’s ‘international’ conduct that Paine brought with him to America. Britain’s involvement in India and the conduct of those men at the head of the East India Company also greatly alarmed Paine. While the events and concerns of America were to dominate his attention, the arguments and concerns that Paine voiced in *Reflections on the Life and Death of Lord Clive* in March 1775, highlighted how Paine’s concern stretched beyond America.³⁶ Lord Clive epitomised the disregard with which whole peoples were treated in the pursuit of the aggrandisement of an elite few. The abuse in India was further proof of the decline of Britain’s general approach to engaging with the world, which treated other people simply as a means to British aggrandisement, in a similar way to which slave owners treated their slaves. While circumstances did not give Paine the same opportunity as Burke to engage in the issues of India, the little that he wrote shows a great concern, which was similar to that found in Burke, that the abuses occurring in India were causing irreparable harm to Britain by undermining the good principles of their government.³⁷

III

This view of the decline in British conduct can be seen quite clearly in Paine’s short imagined *Dialogue Between General Wolfe and General Gage in a Wood Near Boston*.³⁸ The *Dialogue* highlights the shift that Paine perceived in Britain’s conduct from defender and promoter of liberty, to oppressive tyrannical power. It demonstrates the positive light in which Paine viewed the spirit

³⁴ Paine, ‘African Slavery in America’, 18.

³⁵ Paine, ‘African Slavery in America’, 18-9.

³⁶ Paine, ‘Reflections on the Life and Death of Lord Clive’ [March 1775], *Complete Writings II*, 22-7.

³⁷ Paine, ‘Reflections on the Life and Death of Lord Clive’, 22-7.

³⁸ Paine, ‘Dialogue Between General Wolfe and General Gage in a Wood Near Boston’ [4 January 1775], *Complete Writings II*, 47-9; General James Wolfe was a hero of the Seven Years war, made famous for leading the British forces against the French into Quebec and dying in the process; General Thomas Gage had previously been a celebrated general in the American Colonies leaving America in 1773 with the freedom of the city of New York. Following the Boston Tea party Gage had been sent back to replace Thomas Hutchinson as Governor of Massachusetts.

of the British constitution and the effects it had previously had not only in Britain, but around the world. Paine made clear that he thought the recent actions of the British government in America had been unworthy of both British soldiers and freemen, as they deprived fellow subjects of their liberty.³⁹ At the heart of Paine's rejection of Britain's actions, was his belief that the soldiers' orders were merely edicts from the King and lacked legitimacy. He argued that for orders to animate the "free spirit of the troops" into action, they had to not simply come from the executive, but contain within them the "glorious objects of the country," by which he meant the rights, liberties and privileges of Britons.⁴⁰ His point was that for governing in America, it was the spirit of the British constitution which must be looked to rather than its forms, as even "the wisest assemblies of men are as liable as individuals to corruption and error."⁴¹

As British subjects the American Colonists were entitled to the privileges and "equality of liberty" which were the "glory of every Briton." These were not forfeit or altered no matter how far a Briton travelled because, they were part of who they were and so were held under the "immutable laws of nature."⁴² It was, Paine argued, the "essence of liberty and of the British Constitution" that people only ceased to be British subjects when they ceased to be governed by rulers which they had chosen or approved. Paine was clear it was not Parliament's place to give laws to America, and the rebellion rising in America was not against the constitution, but rather against the "counterfeit impressions of royal virtue" that had been sent to govern them.⁴³ Paine highlighted the position that Burke had been vocally advocating, that it was essential for Americans to be governed according to British principle, not Britain's forms, and to fail to do so risked undermining both.

Paine emphasised the difference between Britain's current actions and behaviour which was base and wicked, and Britain's former actions and behaviour of which Wolfe was the representative. It used to be, Paine argued, the "glory of Englishmen to draw the sword only in defence of liberty and the protestant religion, or to extend the blessings of both to their unhappy neighbours."⁴⁴ This glory lay not in great military power, expanse of territory or great wealth, but in the freedom that their constitution gave them and the manner in which they lived their lives. Their wealth and power, on this view of Britain, did not lead them to rampage and plunder the earth, treat others

³⁹ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 47.

⁴⁰ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

⁴¹ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 48.

⁴² Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 48.

⁴³ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 48.

⁴⁴ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

as competitors, or become fearful of them. Instead their experience taught them to extend to their neighbours that which they held most precious, their liberty. In doing so they did not conquer, but freed men and extended the good neighbourhood relations of Britain. Paine described these as godlike motives, and, referring to Wolfe's campaign against the French in Canada, argued that it was only with these motives in view that Wolfe was able to endure the hardships and reconcile himself to the horror of war.⁴⁵ The glory of the victory on the plains of Abraham, came not from the honour of victory itself, but from "having communicated to an enslaved people the glorious privileges of the English constitution."⁴⁶ Where Britain had failed, for Paine, was that they had retreated from this neighbourly approach to the world and developed a fearful and miserly disposition to what they had. The edicts aimed at Massachusetts took aim not only at the liberty of these inhabitants, but also at foundations of liberty which held up the entire British Empire.

Vital to Paine's understanding of this lost notion of Britain was that Britain was composed of free citizens and this was the foundation of its society and constitution. Directly addressing Gage he reminds him that he was a man as well as a soldier and that his privileges as a citizen were not given up simply by putting on his sword. "British soldiers are not machines, to be animated only with the voice of a minister of State. They disdain those ideas of submission which preclude them from the liberty of thinking for themselves, and degrade them to an equality with a war horse or an elephant."⁴⁷ What Paine realised, even at this early point in his writing, was that if his hope for a new world was to be established, if the corruption and prejudices of Europe were to be left behind, individual men had to step up and play their part. This was not a general appeal but a particular one to Gage, a man in a position of authority both in America and Britain. While a duty falls on all men, for Paine it falls with particular weight on those in positions of trust and authority. As such men in Gage's position had the responsibility to take an account of the effect actions have on the whole, to judge what actions do to peace and liberty and whether they are worthy of the glory of the British name. He entreated Gage to resign his commission and to make clear to the British government the reason for these actions. It was only through such actions that the danger of the situation could be effectively conveyed back to Britain in time to "restore perpetual harmony between Britain and her colonies."⁴⁸ While Paine's hope for

⁴⁵ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

⁴⁶ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

⁴⁷ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

⁴⁸ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

conciliation was not to last long, his belief in the spirit of the British constitution as set out in this dialogue would remain with him throughout all his writings.

Chapter 7

Common Sense in America: Escaping the Hostile Neighbourhood

Introduction

For Paine the actions of the British government in America had confirmed all of his ideas and fears about European government and society. It was clear to him that America needed not only to become independent, but to cast off the prejudice and customs which had corrupted society in Europe, leading it from what he saw as its natural state. This chapter argues that central to Paine's case for American independence in *Common Sense*, was the image he created of a hostile European neighbourhood. Paine set about dissecting the system of government and the hierarchy of society in Europe, in order to explain how peoples so close and interconnected were so often thrust into the horrors of war and so rarely at peace. Central to this hostile system of politics was a mistaken view of man, and a conflation of society and government. America presented a new opportunity to establish a society and government on solid republican principles. Crucial to Paine's vision was an educated and informed people, who took their full share in the concern and duties of government. *Common Sense* was designed to educate and convey to people in all walks of life, a straightforward, simple understanding of man, society and government, and use this to expose the corrupted, complex system of government in Europe.

The chapter follows Paine's arguments for independence in *Common Sense*, and sets out the central role that the neighbourhood aspects of his thought play in his understanding of European politics and his hopes for a new kind of politics in America.

- I. Sets out the intellectual and historical context for Paine's arguments in *Common Sense*.
- II. Examines how Paine framed the cause of American independence.

- III. Sets out Paine's understanding of society, government, how people come to know the world and the central role that neighbourhood plays in the arguments.
- IV. Examines Paine's arguments for why the European system of politics was so hostile.
- V. Sets out Paine's argument that hereditary monarchy was the origin of the divided state of mankind and how he used his neighbourhood ideas to expose its flaws.
- VI. Examines the distinction Paine drew between the aims of European and American government.
- VII. Considers the role of Paine's neighbourhood ideas in his arguments for the necessity of independence and continental union in America

I. Context

In order to understand Paine's arguments in *Common Sense*, it is important to keep in mind some of the intellectual and historical context in which he wrote what has been described as "the most brilliant pamphlet written during the American Revolution, and one of the most brilliant pamphlets ever written in the English language."¹

The intellectual context for the ideas and arguments of the American Revolution in general and for Paine's arguments in particular, were rooted in the political and social ideas of the European Enlightenment. Central to Paine's thinking, as with many Enlightenment thinkers, was Newtonian science and the belief in progress.² As Paine's early writings demonstrate, he was already well read and full of ideas when he left for America and he continued to pursue knowledge throughout his life.³ Paine likely fitted in well with the American Colonists who, as Bernard Baylin describes, referred to a whole range of sources and traditions of "Western culture, from Aristotle to Molière, from Cicero to "Philoleutherus Lipsiensis" [Richard Bentley], From Vergil to Shakespeare, Ramus, Pufendorf, Swift, and Rousseau."⁴ Indeed, as Bailyn highlights, Enlightenment ideas were actually more universally accepted, less critiqued and

¹ B. Bailyn, "Thomas Paine: "Prepare in Time an Asylum for Mankind"", in *Thomas Paine*, (ed.) B. Kucklick, (Trowbridge: The Cromwell Press, 2006), 55.

² E. Foner, *Tom Paine and Revolutionary America*, (Oxford: Oxford University Press, 1976), 6-9; J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995), xi-xii.

³ Caroline Robbins' highlights the extent and range of Paine's reading well. C. Robbins, 'The Lifelong Education of Thomas Paine (1737-1809): Some Acquaintance Among Books', in *Thomas Paine*, (ed.) B. Kucklick, (Trowbridge: The Cromwell Press, 2006), 31-8.

⁴ B. Bailyn, *The Ideological Origins of the American Revolution*, (Cambridge, MA: Belknap Press, 1992), 23.

disputed and more completely embodied in American society, than in Europe.⁵ While the intellectual and literary circles in America were still burgeoning, “a rich literature of theory argument, opinion, and polemic” appeared around the revolution in newspapers, magazines, broadsides, almanacs, and above all pamphlets.⁶ Paine not only embraced the openness and accessibility of these media, but created a new political language, which was able to engage with the minds of both the intellectual classes and the common man.⁷⁸ Paine’s writing was inspired by his reading of figures such as Daniel Defoe and Jonathan Swift, and the consequent power of Paine’s prose marked him out from his contemporaries in America.⁹

The America into which Paine arrived, was one in which tensions with Britain had been simmering for over a decade, ever since the Stamp Act Crisis.¹⁰ The Boston Tea Party had taken place a year before his arrival and implementation of the Coercive Acts had stirred even greater resistance.¹¹ The First Continental Congress met in Philadelphia in the autumn of 1774, and expressed the view that Parliament had no authority to tax the Colonies, adopted the Suffolk Resolves in resistance to the Coercive Acts and restricted commerce with Britain.¹² The Congress also passed a Declaration of Rights, which set out that Colonial rights were founded on the law of nature, the British constitution, and the Colonial Charters.¹³ Paine’s initial view of Colonies seems to have been similar to his friend Benjamin Franklin’s: that America’s star was rising

⁵ B. Bailyn, ‘Political Experience and Enlightenment ideas in Eighteenth-Century America’, in *The Reinterpretation of the American Revolution: 1763-1789*, (ed.) J.P. Greene, (New York: Harper & Row, 1968), 277.

⁶ Bailyn, *The Ideological Origins of the American Revolution*, 1-2.

⁷ Foner, *Tom Paine and Revolutionary America*, xv-xvii, 75-80; Keane, *Tom Paine*, x-xi; Bailyn, ‘Thomas Paine: “Prepare in Time an Asylum for Mankind”’, 55-72.

⁸ Linda Kerber provides an interesting analysis of the deliberate use of the male pronoun, arguing that its use by Paine is “emphatically not generic.” In general I agree with Kerber’s analysis of Paine, as in places he is clearly addressing a primarily male audience. However Kerber reads this too much into Paine’s arguments in places. For example, her discussion of Paine’s “original social community” goes too far in suggesting that women do not figure, as it seems clear that at this point Paine was indeed using the male pronoun generically and only later, when addressing the corruption of government, does he explicitly talk to the male audience. L. Kerber, “‘I Have Done...much to Carrey on the Warr.’ Women and the Shaping of Republican Ideology After the American Revolution”, *Journal of Women’s History*, 1/3, (1990), 231-243.

⁹ Keane, *Tom Paine*, x; Bailyn, *The Ideological Origins of the American Revolution*, 17-8.

¹⁰ See discussion of the Stamp Act Crisis, the Townsend duties, and the growing dispute between Britain and the American Colonies in Chapter 3 above. See also: R. Middlekauff, *The Glorious Cause: The American Revolution 1763-1789*, (Oxford: Oxford University Press, 2005), 7-237; J.C. Miller, *Origins of the American Revolution*, (Stanford, CA: Stanford University Press, 1959), 3-352.

¹¹ Coercive Acts or Intolerable Acts are the names given to a series of Acts passed by the British Parliament in reaction to the Boston Tea Party and in an attempt to restrain Massachusetts and the other Colonies. They were: Boston Port Act, Massachusetts Government Act, Administration of Justice Act, Quartering Act, Quebec Act. See: D. Ammerman, *In the Common Cause: American Response to the Coercive Acts*, (Charlottesville: University Press of Virginia, 1974); Middlekauff, *The Glorious Cause*, 235-7; Miller, *Origins of the American Revolution*, 355-76.

¹² J.N. Rakove, *The Beginnings of National Politics: An Interpretive History of the Continental Congress*, (Baltimore: John Hopkins University Press, 1979), 21-62; Middlekauff, *The Glorious Cause*, 240-58.

¹³ Middlekauff, *The Glorious Cause*, 253.

within the Empire.¹⁴ This view fitted with the prevailing opinion in America that saw Americans and Englishmen as equally subject to the King, but denied any authority to British Parliament except with Colonists' consent.¹⁵

Shortly after Paine arrived in Philadelphia, he became acquainted with Robert Aitken who offered him the position of executive editor of the new *The Pennsylvania Magazine*.¹⁶ This position allowed Paine to hone his writings skills and become acquainted with the people, events, and opinions of the Colonies. Through the magazine Paine met Benjamin Rush, a man connected to many in the Congress, who encouraged Paine's political writings. Paine was quick to take an interest in the revolutionary debates, but his position in favour of reconciliation, dramatically changed in reaction to the battles at Lexington and Concord on the 19th April 1775.¹⁷ After this point, Rush is said to have commented that Paine was obsessed with the subject of Britain and the Colonies, and a clear shift is evident in his rhetoric.¹⁸ On 10th May the Second Continental Congress met as scheduled. While the delegates reported that enthusiasm for war raged throughout the Colonies, there were few who advocated independence at this time and none a declaration of independence as the majority of Americans preferred reconciliation.¹⁹ Congress set about establishing a Continental Army, appointing George Washington as commander of all the continental forces, raised, or to be raised, for the defence of American liberty. While this was taking place, New England militiamen were besieging the British forces under General Gage in Boston. Possibly spurred into action by the arrival of Majors Howe, Burgoyne and Clinton from Britain, Gage decided to attack across the Charles River leading to the Battle of Bunker Hill, the British won a pyrrhic victory at heavy costs.²⁰ On 2nd July Washington arrived to take over the Siege, which was to last until February when Howe, who had taken over command from Gage, evacuated the city.²¹ As Middlekauff highlights, while the British actions from April 1775

¹⁴ J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995).

¹⁵ D.S. Lovejoy, "'Rights Imply Equality': the Case Against Admiralty Jurisdiction in America, 1764-1776", in *The Reinterpretation of the American Revolution: 1763-1789*, (ed.) J.P. Greene, (New York: Harper & Row, 1968), 205.

¹⁶ Paine was editor of the magazine for six months until September 1775. For a good account of the impact of Paine's writing and the role the *Pennsylvania Magazine* played in this see: E. Larkin, 'Inventing an American Public: Thomas Paine, the "*Pennsylvania Magazine*", and American Revolutionary Discourse', *Early American Literature*, 33/3, (1998), 250-76.

¹⁷ T. Paine, 'Common Sense' [January 1776], *The Complete Writings of Thomas Paine: Volume I*, (ed.) P.S. Foner (New York: Citadel Press, 1945), 24-5.

¹⁸ J. Keane, *Tom Paine: A Political Life*, 101; Paine, 'A Serious Thought' [18 October 1775], *The Complete Writings of Thomas Paine: Volume II*, (ed.) P.S. Foner, (New York: Citadel Press, 1945), 19-20; Paine, 'Thoughts on Defensive War' [July 1775], *Complete Writings II*, 52-5.

¹⁹ Middlekauff, *The Glorious Cause*, 284, 318.

²⁰ C. Bonwick, *The American Revolution*, (London: McMillan, 1991), 86-7; Middlekauff, *The Glorious Cause*, 287-98.

²¹ During this period Benedict Arnold led a force to invade Canada, but was ultimately unsuccessful. Middlekauff, *The Glorious Cause*, 298-317.

onwards seemed almost designed to persuade Americans to separate themselves from Britain, Congress held back from declaring independence until they had “unmistakable evidence that the American people favoured permanent separation.”²² The idea of independence was in the air, but it was Paine’s publication of *Common Sense*²³ in January 1776, that caught the public’s imagination, and pushed Congress to produce the Declaration of Independence.²⁴

II. America the Cause of All Mankind

The purpose of writing *Common Sense*, for Paine, was to set out a case that would persuade the American Colonists of the necessity of separation and independence from Britain; to make clear the dangers that lay in continuing to even contemplate reconciliation; and establish the importance of founding a republican political system. His focus in making this case was not on listing, or even highlighting, the many wrongs committed by Britain—Americans were already well acquainted with these. He saw his task as explaining that the cause of these wrongs lay less in the malice of their fellow Englishmen and more in the flawed system of government and societal structure of Europe. Fundamental to Paine’s argument, was the distinction he drew between the corrupted ‘old world’ that had developed into a hostile neighbourhood in Europe and the uncorrupted potential ‘new world’, where, he thought, a naturally arising neighbourhood could become the foundation of the social and political system of America.

Paine was not simply bringing into question the system of government and societal structures of Europe, but also those of America, as the American Colonists were Englishmen and Europeans. His first words explained that the blatant wrongs of corruption and oppression had been so easily accepted for such a long time because of the powerful effect of “custom.” The “long habit of not thinking a thing *wrong*, gives it a superficial appearance of being *right*, and raises at first a

²² Middlekauff, *The Glorious Cause*, 321-2.

²³ Paine originally wanted to call the pamphlet *Plain Truth*, but was persuaded by Rush to use *Common Sense*. Keane, *Tom Paine*, 107.

²⁴ Middlekauff, *The Glorious Cause*, 323-334; G.S. Wood, *The American Revolution*, (New York: The Modern Library, 2002), 55-7; Miller, *Origins of the American Revolution*, 467-93; Rakove, *The Beginnings of National Politics*, 88-9; Bonwick, *The American Revolution*, 91; Keane, *Tom Paine*, 108-37; P.D.G. Thomas, *Tea Party to Independence: The Third Phase of the American Revolution 1773-1776*, (Oxford: Clarendon Press, 1991); D. Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice 1763-1789*, (Boston: Northeastern University Press, 1983), 116; Bailyn, ‘Thomas Paine: “Prepare in Time an Asylum for Mankind”’, 55-72; B. Bailyn, ‘1776 A Year of Challenge—A World Transformed’, *Journal of Law and Economics*, 19/3, (1976), 437-66; J.P. Greene, ‘Paine, America, and the “modernization” of Political Consciousness’, *Political Science Quarterly*, 93/1, (1978), 73-92.

formidable outcry in defence of custom.”²⁵ People accepted the tyrannical, corrupt government because it was all that they knew. The outcry in defence of custom was man’s immediate instinctive resistance to change and new ideas. But, he argued, this soon subsides and in the end “time makes more converts than reason.”²⁶ Paine saw his task as helping to shine the light of reason on the dark and mysterious mechanisms of government. He did not think his words and arguments by themselves would bring down British rule in the Colonies, but he hoped that along with likeminded people, he could raise enough of a ‘tumult’ that people would begin to question the rights and privileges claimed over them. For Paine, it was not formal government but society that accounted for the order and governance of people’s everyday lives. By this, Paine did not mean, an abstract notion of society, but rather the social relations that are part of who people are and how they live their lives. It is those social relationships that are closest to us that form the neighbourhoods in which we live, in which we have the greatest concern, and which govern our lives. Paine’s intention in *Common Sense*, was to show how far removed Britain’s government of the Colonies had become from the practice of peoples’ everyday lives.

What made this call for separation not only necessary, but possible was that, unlike in Europe where abuses were mitigated and controlled, in America British rule had turned into an abuse of authority. He argued that such a “long and violent abuse of power is generally the means of calling the right into question.”²⁷ In Paine’s eyes the governments of Europe had become very good at maintaining the status quo by not abusing their powers too much or for too long, and so had avoided calling their rights into question. In contrast, in America the assertion by King and Parliament of right and authority to rule was an abuse that had become clear for all to see. Not only, Paine argued, should the Colonists question the custom of Britain holding the power to rule over the American Colonies, but the denial of their rights as Englishmen should cause them to inquire as to exactly what rights they should have.

This was more than a call for Americans to identify and focus on the particular manifestation of abuses around them. He highlighted that many of these were not particular to them, but were common issues of all people, and in these areas they could not simply look to their little corner of the world:

²⁵ Paine, ‘Common Sense’, 3.

²⁶ Paine, ‘Common Sense’, 3.

²⁷ Paine, ‘Common Sense’, 3.

“The cause of America is in great measure the cause of all mankind. Many circumstances have, and will arise, which are not local, but universal, and through which the principles of all lovers of mankind are affected, and in the event of which their affections are interested. The laying a country desolate with fire and sword, declaring war against the natural rights of all mankind, and extirpating the defenders thereof from the face of the earth, is the concern of every man to whom nature hath given the power of feeling; of which class, regardless of party censure, is”²⁸

As Paine emphasised in his writings on slavery, there were neighbourly considerations to be made to all men. While men differ one from another, and different cultures, societies and nations have social arrangements and privileges particular to them, there are certain universal circumstances that affect all people. It is these commonalities, by which he meant at the most basic level that all men not only require sustenance and shelter but also social interaction, as well as government to secure liberty, that are the basis for Paine of neighbourly connections. It was in this sense that the fight against tyranny made “America the cause of all mankind.” Every part of the old world, he argued, was “overrun with oppression.” Freedom had been hunted round the globe having been expelled from Asia and Africa, now Europe too had become hostile to her.²⁹ It was, Paine emphasised, in America that a stand for freedom had to be made, but in making it he reassured his compatriots that they would find support from the great oppressed masses of mankind.

A vital part of Paine’s argument was that it was not enough for men simply to mind their own little plot of land and corner of the world. They had to realise that while the fight in defence of freedom around the world starts at home in America, it would only be secured by extending it to others. For Paine, the foundations of our understanding of the world come from our little plot of land, our local neighbourhoods. It is here that we learn how to relate to others and discover that our actions affect others, just as their actions affect us and as such we share a mutual concern for our neighbourhood. We must, Paine argued, take responsibility for the part we play in our neighbourhoods, as when we do so and see this reciprocated we become secure in an advantageous system of governance for all members. If we look only to ourselves and pay little heed to the effect of our actions, when we look to our neighbours we will find only disadvantage and insecurity. To mind our own plot of land is a good start, but if this is all we do, we ignore

²⁸ Paine, ‘Common Sense’, 3-4.

²⁹ Paine, ‘Common Sense’, 30-1.

the wider relations of neighbourhood and ignore not only our neighbour's interests, but also our own. Paine argued that people have a duty to stand up for themselves, for their neighbours, their countryman and ultimately for all of mankind. It was upon these natural sentiments of society that Americans needed to create a constitution, to give an example to the world.

Central to Paine's thinking about how this constitution was to be formed and operate in America, was the image of a neighbourhood in which the members shared the concern for what occurs around them. It was the duty of every American to watch the morals of the nation, but a greater duty and responsibility lay with those holding positions of authority who were the immediate guardians of public liberty.³⁰ Paine argued that if people wished to preserve their country "uncontaminated by European corruption," they must wish separation.³¹ The moral arguments for separation were though to be left to private reflection, as he argued morality should not be imposed upon people, as it had been within tyrannies around the world.³² Instead Paine wished to shed light on the operation of society and government, so that a political community arising from the people could be most practicably established. Paine saw his task as encouraging people to become more acquainted with the world, and in doing so build the connections of neighbourhood.

In seeking the establishment of America as an "asylum for mankind" and a refuge for lovers of freedom, Paine was not simply seeking a better form of what had gone before. He argued that this was not the "affair of a City, a County, a Province, or a Kingdom; but of a Continent."³³ This was not about forming better nations, but rather about ascending from, national to continental union. What was happening in America at this crucial time, was not simply the "concern of a day, a year or even an age, but of posterity," what happened would affect the shape of events of everything to follow.³⁴ America had the potential to cast aside the problems that plagued European society and prevented it from realising the results of its own progress. This potential progress was not without risk for Paine. He warned that the tiniest fracture at this point would have been like a name engraved with a pin on an oak sapling. As the tree grew so the letters would be writ large for future generations. He argued that "[n]ow is the seed-time of

³⁰ Paine, 'Common Sense', 41.

³¹ Paine, 'Common Sense', 41.

³² Paine, 'Common Sense', 41.

³³ Paine, 'Common Sense', 17.

³⁴ Paine, 'Common Sense', 17.

Continental union, faith and honour,”³⁵ but he was aware that simply creating a political community of this size, would not solve any of the problems. Allowing the corruption of Europe to infect a continental constitution, might not only perpetuate, but amplify these problems. It was for this reason that Paine made the case not only for the Colonies to separate from Britain and Europe, but for them to avoid the mistakes and corruption of European government and society, in America.

III. Society, Government and Neighbourhood

The starting point for Paine’s analysis and arguments in *Common Sense* is the distinction he drew between society and government. He argued that many people had confounded government and society, leaving little distinction between them.³⁶ As a result the origins and authority of government and the structure of society had been left unquestioned, and people were left with little appreciation of the world in which they lived. The distinction Paine drew between society and government was characteristically simple. Society, he argued, is produced by man’s wants, promoting man’s happiness positively by uniting his affections and encouraging intercourse. Government on the other hand, is produced by man’s wickedness, promoting his happiness only negatively by restraining vices and by creating divisions. For Paine “society in every state is a blessing, but government, even in its best state, is but a necessary evil,” and in its worst “an intolerable one.”³⁷ By making clear this distinction between the two, Paine wanted to instil a clear order and hierarchy between them: society then government. He also wanted to make clear their respective origins, so as to leave no doubt in his analysis about the purpose and function of each.

Government, Paine elaborated, “like dress, is the badge of lost innocence.”³⁸ The necessity of government is the sign that man cannot live in perfect peace with others. Clearly alluding to man’s fall in Eden from a perfect and innocent life, we see that while there is a theoretical or abstract idea of men living in perfect harmony, without external government, this can only ever be aspirational. All men, he argues, have a capacity of internal governance, which he refers to as the “impulses of conscience.” If these could be “clear, uniform and irresistibly obeyed.” man

³⁵ Paine, ‘Common Sense’, 17.

³⁶ Paine, ‘Common Sense’, 4.

³⁷ Paine, ‘Common Sense’, 4.

³⁸ Paine, ‘Common Sense’, 4.

would need no other lawgiver than himself, and would live in an edenic state.³⁹ However this is not possible as such clarity, uniformity and obedience are beyond individual men.

Finding oneself among other men, each man finds it “necessary to surrender up part of his property to furnish the means for the protection of the rest,” induced to do this by the same prudence that advises the lesser of two evils.⁴⁰ The basis of Paine’s thinking is that people fundamentally have property in themselves and so even a person that has no material property, can surrender up part of their property, in their own freedom, to obtain a security to pursue those wants essential to their existence. The “true design and end” of government, Paine argues, is “freedom and security,” which is made necessary by the “inability of moral virtue to govern the world,”⁴¹ and the inability of individual impulses of conscience to perfectly and spontaneously align.

The necessity of government and its relationship to society are more clearly seen by considering the hypothetical scenario in which Paine supposes a number of people settle an uninhabited and unconnected part of the world.⁴² He argues that in this state of “natural liberty” the first thought of these people will be for society, as people’s strength individually is so unequal to their wants and their mind so unfitted for solitude that they are obliged to turn to others, and these others to turn to them, for assistance.⁴³ This not only increases people’s abilities to meet their wants, but also provides the social interaction people require, and secures them against the misfortune of injury and disease that while not fatal in themselves, render an individual incapable of providing for themselves. Paine’s appeal to the life and needs of the individual is carefully constructed. While Paine asks his reader to consider the difficulty of life as an individual, there is a clear assertion for Paine that man cannot exist as an isolated individual. The very notion of people outwith society is a misconception because man is a social being. Society is their first thought, not because it needs to be created, but because men live in combination and as such are always in a society of some description. It is not only that man’s strengths individually are unequal to his wants, but his mind is unfitted for perpetual solitude.⁴⁴ This premise was vital to Paine’s

³⁹ Paine, ‘Common Sense’, 5.

⁴⁰ Paine, ‘Common Sense’, 5.

⁴¹ Paine, ‘Common Sense’, 6.

⁴² Paine, ‘Common Sense’, 5.

⁴³ Paine, ‘Common Sense’, 5; Similarities can be seen here with arguments made by Scottish Enlightenment writers such as Smith and Hume.

⁴⁴ Paine, ‘Common Sense’, 5-6.

conception of mankind, his perceptions of the world in which people lived and the way people related to one another in it.

In the initial stage of a new community, man may be able to enjoy the reciprocal blessings of society without the need for a formal law or external government. However he argues as only heaven is impregnable to vice, as the first bonds established in emigration slackened and subsided, so too does men's duty and attachment to one another loosen, and a need and will for government arises. This is a move from the self-government of conscience to an external government able to regulate disputes between men. Government, for Paine, is the necessary external manifestation of men's "impulses of conscience." But this is only a partial external manifestation of certain aspects of men's conscience, and so government for Paine is established to regulate those areas where it becomes apparent that an external power is needed to arbitrate disputes. These areas are determined by the prudence which guides men to choose the lesser of two evils, a prudence which should be used to change, adapt and develop government within society. While at first, Paine argues, all members may be able to meet under "a convenient tree," and the first laws look more like regulations enforced by public disesteem, as the size and dispersal of society increases so the form of government must change. Representatives are sent to meet instead of the whole society and laws with known consequences must be established.⁴⁵

These early forms of society were bound together by common cause. It is common cause and the shared interests that develop that are able to hold together whole societies in times of crisis and which Paine identifies as the strongest relations of neighbourhood.⁴⁶ Paine was clear that the bonds of neighbourhood are rarely so closely formed than in extreme circumstances such as those in America at this time. It is in times of crisis that people most immediately feel that what is done to their neighbour is done to them.⁴⁷ What Paine also makes clear is that the proximity that creates these relations is not only physical, but social, and so operates on much larger scales than the physically local areas in which neighbourhoods are conventionally thought of. Paine sets out his argument regarding society and government on the small scale, to appeal to his readers experience and understanding of their local neighbourhoods, but his argument were focused on explaining how the relations of people and communities were governed, from the scale of streets and houses right up to the scale of nations and continents.

⁴⁵ Paine, 'Common Sense', 5-6.

⁴⁶ Paine, 'Common Sense', 19-20.

⁴⁷ Paine, 'African Slavery in America' [8 March 1775], *Complete Writings II*, 17.

It was the rational understanding of the origin and rise of government that had been suppressed and usurped by power and superstition. As Paine would later argue in *The Rights of Man*, the early simple life of men, where their chief employment was in tasks such as tending flocks and herds, was overwhelmed and usurped by “bandettis of ruffians” who overran countries and subjected them to their rule.⁴⁸ These robbers endeavoured to then lose this title, in favour of a new one, King, further mystifying nefarious origins through the generations, by establishing hereditary government.⁴⁹ This was, by Paine’s own admission, a simplified view of the rise and development of society and government, but one deliberately presented to steer the reader past all the “sound and show” that had led men away from such an understanding. He argued that while “prejudice may warp our wills or interest darken our understanding,” if we look at this simple description the voice of nature will say “tis right.”⁵⁰ Simplicity, Paine argued, is the principle of nature that no art can overturn, “the more simple any thing is, the less liable it is to be distorted, and the easier repaired when distorted.”⁵¹ As nations and their governments are artificial, people should be made aware of this fact. While all nations will arise and develop in their own peculiar ways, this should not be allowed to be used to cover up that a government has strayed from the purpose for which it exists. The simplicity Paine talks of is the openness and visibility of the construction, form and actions of nations and their governments, so when men attempt to act in their own interests, or base their actions on unfair prejudice, against the interest of society at large, this can be more easily identified.

Paine is often perceived as being opposed to prejudice, but for him local prejudices are not necessarily an evil that has been imposed on people, as they are often the way that people have dealt with and interpreted the world around them. People and societies will always be composed on the basis of partiality and prejudice and cannot be expected to develop along a perfectly rational and logical path; a position similar to the one held by Burke. Because of this it is all the more important to have in mind the simple view of the development of society, to keep in check those customs and prejudices that govern men’s lives. Prejudices become dangerous when they are unthinkingly accepted and unquestioned, as this signifies that men have closed themselves off from the world of experience. Men come to know the world, for Paine, through “regular

⁴⁸ Paine, ‘Rights of Man: Part Second’ [1792], *Complete Writings I*, 361.

⁴⁹ Paine, ‘Common Sense’, 9-16.

⁵⁰ Paine, ‘Common Sense’, 6.

⁵¹ Paine, ‘Common Sense’, 6.

gradation.”⁵² People gain knowledge and experience as they encounter the world on larger and larger scales. People’s conceptions of the world can only ever come from their own experiences and knowledge, and so their view of the world out there, will always be a projection from themselves and their neighbourhoods. The more men become acquainted with the world, the more these projections are supported or challenged. New experiences play an essential role in forcing men to question their particular understanding of the world, and surmount local prejudices that are shown no longer to hold.

Paine explained his views by tracing how a person born in an English town becomes acquainted with other people and the world around them. English towns, he explains, are divided into parishes and it is natural that a person first associates with their fellow parishioners as these are the people with many interests in common; it is people from our surrounding streets we commonly call our neighbours.⁵³ When moving but a few miles from our home, we encounter people not on the narrow idea of street, but as townsmen. By travelling further again we drop the narrow ideas of town and street, to embrace our fellow county men, and then our fellow countrymen or Englishmen. Each of these new acquaintances with the world on a larger scale is not a move away from one’s neighbourhood, but rather, for Paine, the extension and creation of neighbourhoods. In travelling abroad to Europe however Paine argues that people do not extended their acquaintance with the world to embrace fellow Europeans, but remain at the scale of countrymen. It is at this scale that the people of Europe had been persuaded to halt their acquaintance with the world, and suspicion and fear was brought into the neighbourhood of nations. Perceiving that their identity is limited at the national boundary, they had found their fellow men, and everyone else became an outsider.

In America, Paine argued, people have been forced to resume their encounters with their fellow men and as a result become more acquainted with the world, extending their world to the new people with whom they are neighbours. Paine argued that it was quickly realised that “England, Holland, Germany, Sweden, when compared with the whole, stand in the same places on the larger scale, which the divisions of street town and county do on the smaller ones.”⁵⁴ They were a neighbourhood of nations. Realising this, America had dismissed narrow national distinctions as too limited for what Paine calls, continental minds.

⁵² Paine, ‘Common Sense’, 19.

⁵³ Paine, ‘Common Sense’, 19.

⁵⁴ Paine, ‘Common Sense’, 20.

Paine's argument is not simply that men are better off in larger and larger political entities. While Paine sees man's wider acquaintance with the world as good, this is because it allows men to overcome the force of local prejudice, and not because the local or small is necessarily bad or inferior. Quite the opposite: it is the early and immediate relations established with those on the small scale that are to be carried into relations in all scales. Men associate with their neighbours because of common interests and concerns. It is these common interests that make men neighbours. The relations of neighbourhood are not limited to the context of the street, but are manifest in all of men's encounters with the world. Paine argues that wider acquaintance with the world shows the common interests that particular men share and this demonstrates to people those interests which are common to all men. Just as the people living on the same street are neighbours because of interests that in many cases are in common, so men are neighbours with those men who through the everyday activities they discover common interests. Paine makes this argument in a positive fashion designed to highlight how the relations of men should operate. However, the neighbourhood aspects of Paine's thought explain not only how America could establish a new social and political system, but also how the neighbourhood of Europe had become so hostile, as when people look at the world from an individual, self-interested perspective, these common interests become the source of competition, not cooperation.

Paine's arguments have strong parallels with aspects of Burke's account of the law of the neighbourhood.⁵⁵ Paine argued that the local idea of neighbourhood is brought about by people being in immediate vicinity, a closeness which means they have several common interests. The concept of neighbourhood captures the web of common connections and interests that men share with one another. Closeness is not simply about physical proximity, but also concerns social, legal and cultural proximity. Paine saw that the regular gradations with which men encounter the world, on larger and larger scales, allowed men to realise the connections and closeness that people from seemingly different and distant backgrounds share. The connections built up in a neighbourhood create interests and concern with one another beyond the original interactions and common interest, adding a social component to the relations established due to man's individual weakness.

⁵⁵ E. Burke, 'First Letter on a Regicide Peace' [1796], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R.B. McDowell, (Oxford: Oxford University Press, 1991), 250.

Paine clearly saw that Europe was a very strong and close neighbourhood. The problem was that in Europe, certain shared customs and prejudices had become so established they could not be identified as a problem, let alone dealt with from within the neighbourhood itself. The closeness between the people in France, Britain, Germany, and Sweden was seen not as a uniting influence, but as competition and threat. When Paine talks of Americans having a continental mind, he is talking about a way of viewing the world which he believed European minds were closed to, due to their prejudices. The continental mind sees the similarities rather than the distinctions between men. Europe, for Paine, had held on to an earlier form of government, no longer suitable for the expanded world in which they were living. While the Europeans harboured resentment against one another for actions taken against their ancestors, the details of which they no longer remembered, the Americans, despite being persecuted and driven out of Europe, claimed brotherhood with every European, and “triumphed in the generosity of the sentiment.”⁵⁶

IV. Troubles in the Old Neighbourhood

For Paine, the troubles of Europe were firmly rooted in the way its societies, nations and the European neighbourhood in general, were perceived to be constituted. England, after the Glorious Revolution, had led the way in moving past the customs, prejudices and difficulties that were troubling Europe. He argued that when first erected the English constitution was noble indeed, taking England out of dark and slavish times, rescuing her when tyranny was overrunning the world. It was, in its day, the most liberal constitution in the world. But, complacency had set in and while the constitution was a “glorious rescue,” it was far from a perfect, or complete and was unable to respond to the challenges and changes which face all countries.⁵⁷ The English committed the error of arrogance, in believing these partial reforms were sufficient. Far from being complete, these partial reforms only added new complexity to the system, which allowed those wielding power to act as they wished while maintaining the show of enlightened spirit of liberty.

While these reforms had been an advance, they had merely developed a constitution that hid the interests of England’s ancient tyrannies.⁵⁸ The will of the King was “as much the law of the land

⁵⁶ Paine, ‘Common Sense’, 19.

⁵⁷ Paine, ‘Common Sense’, 6-7.

⁵⁸ Monarchy and aristocracy.

in Britain as in France... the fate of Charles the First hath only made kings more subtle—not more just.”⁵⁹ As much as absolute governments, such as the monarchy of France, were “the disgrace of human nature,” they had for Paine the distinct advantage of being simple, meaning people could see who was wielding power and from where suffering came. The complexity of the British system meant that people could suffer for years before the cause of a fault could be identified, and each part of government was likely to lay blame on another part and every political physician was likely to advise a different medicine.⁶⁰ For Paine, Britain was the example of reform, not towards government for the people, but to continue government over the people. It was national pride, not reason that supported the constitution, by creating a prejudice among Englishmen for their constitution.

The mode and form of government found in the British constitution was, for Paine, no better than those in other nations. That the British government was less oppressive than other governments in practice, Paine argued, was “*wholly owing to the constitution of the people, and not to the constitution of the government.*”⁶¹ But national prejudice and pride blinded people to the true source of positive effects, which was British society acting without and even in spite of the influence of government. This idea of the constitution of the people meant the way in which society organised itself without the control or guidance of formal government, and as he would later make explicit, it is the people that constitute the nation.⁶² When Paine talks of the constitution of the people of Britain, he is talking about a national neighbourhood, where certain ways of doing and not doing things are generally known, and a concern is felt for the everyday actions of those around us. For Paine, many of the constitutional errors or inadequacies of the British constitution were resisted by society, or, in other words, the way people live their lives. However, while the British people had mitigated many of the worst manifestations of the tyranny of monarchy, they remained under the illusion that it was their form of government that brought prosperity.

For Paine, it was not solely that people living under corrupted constitutions and tyrannical governments found themselves in poor and wretched conditions, it was also that these constitutions affected how people thought government and society should operate. To elucidate

⁵⁹ Paine, ‘Common Sense’, 6.

⁶⁰ Paine, ‘Common Sense’, 7.

⁶¹ Paine, ‘Common Sense’, 9.

⁶² Paine ‘Rights of Man: Part Second’, 369-73.

Paine drew an analogy with a man who is attached to a prostitute choosing or judging a wife,⁶³ in order to convey that an attachment to corrupted forms of human relations and institutions has a direct effect on how a person believes those relations and institutions should be. While a prostitute may fulfil some aspects of a loving relationship, to take this as what a loving relationship between a man and women should be is an error and corrupts the idea of such a relationship and with it an important institution of society. What should be a fundamental societal relationship is treated at best as merely an insignificant commercial transaction. For Paine, as those who approach marriage as a means of individual carnal satiation, commercial gain, or to assert their power, misunderstand the proper nature of marriage and human relationships, so those who approach government as a means of control and self-aggrandizement, misunderstand the proper nature of constitution and society. A man attached to a prostitute will not only fail to choose, or act, well in a marriage, but will also be unable to identify good marriages and relationships in others, as they seem strange to him. Likewise for Paine, a person who misunderstands the purpose of a constitution and the place of government is not in a position to tell whether a constitution or the government it forms is good.

When people act under such prejudices, it not only affects the type of government and society that they accept, but also how other political communities are conceived and their governments, actions and motives perceived. In the context of the European neighbourhood, this helps to explain how societies so closely connected, with shared interests and values, come to view each other as being in existential competition. Men are, as a consequence, divided man from man, from their neighbours and taught to fear and distrust people whom they had never met and had no reasons to fear, except for those taught to them through national prejudice. Worse still for Paine, some men were taught by these prejudices, to go against their own good experiences of relations with men of other nations and communities.

V. The Creation of a Divided Mankind

One of the foundations of Paine's thought is that there is, in the order of creation, an original equality of mankind. This means all inequality among men is created by "some subsequent circumstance," and so the result of human action or fortune.⁶⁴ Importantly, he stresses we need

⁶³ Paine, 'Common Sense', 9.

⁶⁴ Paine, 'Common Sense', 9.

not turn to ill sounding names such as oppression and avarice to explain distinctions such as rich and poor, as they are a natural part of society and human life, and should not be condemned outright. The similarities with Burke's position are clear. While there is a "moral equality of mankind," men in the world are not equal and should not expect to be.⁶⁵ Paine also argues that simply because some men are richer or more capable than others is not in itself either bad or good. What concerns Paine is the creation of distinctions which have no natural, religious or moral reason.⁶⁶ There are, he argued, natural distinctions of mankind such as that between male and female, and religious or moral distinctions such as that between good and bad. In contrast, the distinction between kings and subjects is something that could find no natural, moral or religious origin or support.⁶⁷ The notion that a race of men came into the world exalted above the rest, like a new species, contravenes the original equality of mankind. All men are born in the world with powers unequal to their wants and needs; as such all are equal in requiring the support of others. It is the need for others that is fundamental to the neighbourhood aspects of Paine's thought and implies that all men and all nations must turn to those close to them for assistance and that it is these relations that create the bonds of society. The language Paine used here makes clear that he was concerned not only with the notion that elite groups within nations were innately superior, but also that one nation or society could ever be superior to another, or in reference to his abolitionism, that a 'race' of men could ever be superior to another. The idea of superiority for Paine is poisonous to the relations of neighbourhood, as rather than seeing mutual interest and protection in these relations, insecurity and oppression is perceived. While government requires hierarchy to exercise its authority, it was clear to Paine that the hierarchy created by the distinctions of king and subject, could only bring misery to the world.⁶⁸

In denouncing the existing dominant system of hereditary monarchy, Paine separated out the institutions of monarchical and hereditary government, to highlight not only the problems with the system, but the manner in which this corrupted system became established. Paine's main argument against monarchy was a characteristically simple one: the exalting of a man, or men, above the rest simply cannot be justified on the equal rights of nature.⁶⁹ Referring to scripture, he argued that the early years of the world were without kings and as a consequence there were no

⁶⁵ E. Burke, 'Reflections on the Revolution in France' [1790], *Writings and Speeches of Edmund Burke: Volume VIII The French Revolution 1790-1794*, (ed.) L.G. Mitchell, (Oxford: Oxford University Press, 1989), 87-8.

⁶⁶ Paine, 'Common Sense', 9. Paine talks of natural and religious reason, but it is clear he includes moral reason within the heading religious and it is separated to emphasise it to the reader.

⁶⁷ Paine, 'Common Sense', 9.

⁶⁸ Paine, 'Common Sense', 9.

⁶⁹ Paine, 'Common Sense', 10.

wars. It was, Paine argued, the pride of kings that threw mankind into confusion.⁷⁰ This complements Paine's account of the origins of government being found in the loss of innocence, and while this reads as a straight indictment of kings, Paine's concern for the confusion into which mankind was thrust was about the rise of government in general rather than against the monarchical form in particular. The confusion of mankind was not something that could be avoided because man is incapable of uniformly obeying the "impulses of conscience."⁷¹ The task was to mitigate the confusion caused by man's need for external government. To have a single man in the form of a king, or even an elite group, "so greatly exalted" above the rest, could not be justified by the equal rights of nature. This was less a concern about the inequality of people and more about the inability of a single person, or group of people, to possess the capacity to properly govern a society. The very basis of society was that man individually is not capable by himself; man is flawed and limited and so is a societal creature. It was the pride of kings that they had the individual ability and capacity to do what in reality, takes an entire society to do. Beyond this, it was the pride of nations that they alone had the capacity to meet all the problems and overcome the confusion created by men. This is why Paine stresses the importance of good neighbourhood relations among nations, for while they may not always see eye to eye, they have many common interests and concerns, which the combined power of many nations and peoples can better realise.

In order to shore up the implausible claim of monarchies being fit for government, Paine argues, the usurpers laid claim to divine authority. King and subject are not distinctions of nature and as "nature knows them not, they know not her, and although they are beings of our own creating, they know not us, and are become the god of their creators."⁷² As Paine later elucidated in *Rights of Man* there are three heads under which governments arise and are maintained: superstition, power and common interest. Common interest described governments arising from society, and these are governments of reason which act according to the "common rights of man."⁷³ Power and superstition are the means by which government is usurped from society. While artful men could persuade others that they could "hold intercourse with the Deity," and other men could impose their will by force. Paine was clear that the establishment of such an inequitable system as that of the monarchical system in Europe could only have arisen through uniting force and

⁷⁰ Paine, 'Common Sense', 9.

⁷¹ Paine, 'Common Sense', 5.

⁷² Paine, 'Common Sense', 40.

⁷³ Paine, 'Rights of Man: Part First', *Complete Writings I*, 277.

fraud.⁷⁴ Whether this was through pseudo-oracles “marching up the back stairs of European courts,” or the assuming of the name “sceptre” for “government of the sword,”⁷⁵ the effect of this notion of “*Divine Right*” had played a pivotal role, not just in maintaining government in Europe, but in the development of all the societies and communities of Europe.

The monarchical system had, for Paine, not only usurped the rights and powers of government, first by force and then by deception, but it had distorted and shaped the development of societies, radically altering the way they were both perceived and conceived. The effect of the monarchical system in Europe had been to create a great number of separate kingdoms, establishing a hostile neighbourhood. Created on the reverse of principles of universal civilisation, these particular civilisations were established to maintain a legitimising argument for the fiefdoms of a few men and families throughout Europe.⁷⁶ In order for these men to retain their usurped authority, they presented themselves as the embodiment of the state, inverting the natural relationship of society and government, by making society the means of protecting government. The relationship of ruler to subject also perverted the proper relations of neighbourhood, by turning those common and mutual interests, the common concern for which was the security for all, into areas of competition and self-aggrandizement for the individual ruler and nation. This gave rise to the shape and nature of the state system of Europe. By dividing men from men, an inherently unstable system was created, where authority was drawn not from its original source in society, but rather from force and deception. For Paine, governments, whose authority was based on force or deception regardless of the façades they may put up, inevitably leave themselves open to “enterprising ruffians” at home, and so created insecurity.⁷⁷ The ‘international’ instability, for Paine, was related to the need to keep down these internal challenges to the present government’s power. By throwing the focus of the state outwards, to external threats, the appearance of a concern for security and liberty at home could be maintained. War, for Paine, had become the “art of *conquering at home*.”⁷⁸

While force and deception combined to usurp the power and authority of government, what maintained it was the institution of hereditary succession in monarchies. The hereditary aspect of monarchies represented more than simply the inheritance of one man of a “right to rule;” it

⁷⁴ Paine, ‘Rights of Man: Part First’, 277.

⁷⁵ Paine, ‘Rights of Man: Part First’, 277.

⁷⁶ Paine ‘Rights of Man: Part Second’, 399.

⁷⁷ Paine, ‘Common Sense’, 27.

⁷⁸ Paine, ‘Common Sense’, 27; Paine, ‘Rights of Man: Part First’, 283-4.

meant the inheritance from generation to generation of the entire forms and manner of government. It is important to be clear that for Paine hereditary government - that is the passing on of the forms, ideas and wisdom of government from one generation to the next - was not in itself a bad thing. Paine agreed with Burke that government should not be like the flies of summer.⁷⁹ However, just because government was passed down from previous generations, does not make it good, and hereditary monarchy was a clear example of where it was in fact bad. Paine differed from Burke because while Burke saw the wisdom of ages being transmitted through established institutions, Paine saw the little advances in the understanding of men that were occasionally implemented, as the cover for powerful men to maintain their usurpation. For Paine, while monarchy was degrading and lessening of ourselves, allowing this to become hereditary was an insult and imposition on future generations.⁸⁰ It was one type of evil for a man to exalt himself above others around him through force and deception, but it was evil of a different order when such a man exalts his family in perpetuity over others, as this usurps the rights and powers of those yet to be born.

Even if a man could be found of such great virtue and ability that he was worthy of being the ruler of a nation, while a generation may legitimately say “we choose you for our head,” it is a manifest injustice to add to this “that your children and your children’s children shall reign over ours forever.”⁸¹ Such a compact is not just unwise and unjust, but it is for Paine unnatural. As he would later put it, the notion of a “hereditary governor is as inconsistent as a hereditary author.”⁸² Even if an honourable origin could be claimed there can be no guarantee that the next succession will not put people under a rogue or a fool. Indeed, Paine argued, experience showed that hereditary government, far from having the seal of divine authority, opens the door to the “*foolish, the wicked, and the improper.*”⁸³ Men born to reign while others obey grow insolent; their minds are early poisoned by importance, and separated from the world at large, they have little chance of coming to know their true interests. The consequence is that government is placed in the hands of the most ignorant and unfit people, giving it the nature of oppression.⁸⁴

⁷⁹ Burke’s was highlighting that without the inheritance of government each generation would have to start from scratch. Burke, ‘Reflections on the Revolution in France’, 145.

⁸⁰ Paine, ‘Common Sense’, 13.

⁸¹ Paine, ‘Common Sense’, 13.

⁸² Paine, ‘Rights of Man: Part Second’, 367-8.

⁸³ Paine, ‘Common Sense’, 15.

⁸⁴ Paine, ‘Common Sense’, 15.

For Paine, the problem in hereditary succession was not the passing on of principles and ideas of government, but rather the principle of binding future generations. It was not only that the rule of kings was a usurpation of people's rights, but that any government attempting to bind succeeding generations was usurping rights. No group or generation should bind another without consent, and so while better constitutions and government can and should be established, no constitution or governmental laws can ever be fixed *ad infinitum*, and no previous generations judgement should ever be held sacred. The dead have no rights over the living or the yet to live. Paine was at odds with Burke's view that society was a partnership between the living, the dead and the not yet born.⁸⁵ While Burke was not claiming a right of the dead over future generations, the reverence which Burke ascribed to receiving liberties and an inheritance, for Paine, smuggled in an illiberal system which favoured those in power. While the image of Burke's partnership was one which, in a broad sense, Paine would have favoured, such an image does not do enough for Paine to question the current state of affairs, and provide people currently in a state of oppression the means to act to rectify their situation. The question raised by Paine's arguments was not simply, who should govern, or how they should govern, but over what kinds of political community they should govern. Europe was made up of separate kingdoms, established and maintained not for the inhabitants, but for the rulers. Europeans were not simply born under tyrannies, where their authority and power had already been usurped, but were born and taught to identify with their nation and fellow men not through common interest and concern, but through subjecthood. They were born into a hostile European neighbourhood, characterised by monarchy and succession that had "laid (not this or that kingdom only) but the world in blood and ashes."⁸⁶

The image of Europe that had become clear to Paine was that of a quarrelling neighbourhood. Rather than using their proximity to one another as means to unite over shared interests, it became the source of distrust, discontent and quarrels simply because they were neighbours. Paine's Europe had become "too thickly planted with kingdoms to be long at peace."⁸⁷ It was not that Europe was too densely populated, or that it should not be organised into different communities, peoples or states. It was that so many different kingdoms and states were created not for the sake of good government, good order or to reflect the disposition of people, but for the personal aggrandizement of particular men. As such these states, secured through the dual

⁸⁵ Burke, 'Reflections on the Revolution in France', 146-7.

⁸⁶ Paine, 'Common Sense', 16.

⁸⁷ Paine, 'Common Sense', 21.

mechanisms of force and fraud for a ruling elite, constantly feared for their position. Even in states which had moved away from or mitigated monarchical forms of government, this image of a personified state still persisted, as did the fear for security and position. Paine conjures in the mind the idea of plants packed closely together, all competing for light and water to grow the fastest and the biggest, so that they are in a stronger position to gain the most light and water in the future. Paine's concern though was less about the number as this only amplified the situation, and more about the nature of kingdoms which caused them to act in a manner analogous to plants competing. This, for Paine, was a way of conceiving the relations between communities, and perceiving the communities around you that goes against the lessons man learns from his life in society. Just as men as individuals must turn to those close to them to consolidate their strength, wisdom and resources, so must the communities they form turn to one another. The condition of Europe that Paine perceived was the antithesis of good neighbourhood developed through societal relations. The proximity of men within the European neighbourhood, far from being a means through which they unite over common interests, had become the source of confrontation, quarrel, corruption and subjection.

VII. A Different Kind of Prosperity and Power

For Paine, Britain's assertion that America had flourished only because of British rule highlighted its conceit. He did not deny that America had flourished under British rule, but even if this connection had brought some advantage, it did not follow that this connection needed to remain for American prosperity to continue. Britain had been fortunate to be connected to America during America's development to a position of great prosperity, which he argued would have occurred without any connection to European powers. America's prosperity, for Paine, was due to their vast resources and innovative and industrious population, which gave them the potential to be both prosperous and powerful.⁸⁸ America without the connection with Britain had the potential to be a 'power' in the European sense on a par with France, Spain and Britain itself. So it was little wonder, Paine noted, that many had commented that the united strength of Britain and her Colonies would be enough to "bid defiance to the world."⁸⁹ Such speculation only highlighted the disjuncture that existed between the way of viewing and acting in the world that was developing in America and the view established in Europe. The desire to bid defiance to the

⁸⁸ Paine, 'Common Sense', 18.

⁸⁹ Paine, 'Common Sense', 20.

world was rooted in a view of liberty defined as being able to act without the impingement of other nations. This was perhaps the natural desire of an individual or group living in such a quarrelsome neighbourhood, where the only apparent way to act freely was by possessing the power to defy those who would oppose you as a matter of course. Paine argued that America wanted nothing “to do with setting the world at defiance,”⁹⁰ not only because they did not want to be drawn into these petty squabbles, but also because they did not share Britain’s designs on the world.⁹¹ America had a very different notion of liberty, which they would secure through an entirely different plan.

America’s plan was commerce. A plan which, Paine argued, would secure them peace and friendship with all of Europe, as it was through commerce that men on a large scale attended to those necessities and wants that their individual powers were insufficient to provide for.⁹² It was through regular connections of commerce that good neighbourhood relations became established, by building trust and developing social affection. America had grown, developed and become prosperous, through trading in the necessities of life and, Paine argued, their goods would fetch their price in any European market as long as “eating is the custom in Europe.”⁹³ It was in the interest of Europe to keep America a free port for trade and this gave America security. This was the continuation of the proven connections of society on the large scale. The inequality of man’s strengths and abilities compared to his wants, and the fact that men’s minds are unfitted for solitude is as much the case at the ‘international’ scale of human life as between individuals. As man turns to his neighbours to secure the necessities of life as much on the large scale as on the small.⁹⁴ The question, for Paine, was not whether society encompasses all of mankind; this was a given. Rather, the question was how well the relations of societies operated and were governed. As a young society built on commerce, America had not only exploded European customs and prejudices, but was leading the world by establishing a true republic imbued with the spirit and principle of liberty. It was also leading in establishing a new conception of how ‘international’ relations were to be conducted. This was to become one of the major themes of his *Crisis* writings, where Paine attempted to set out the basis on which this new kind of political community could be established and maintained.

⁹⁰ Paine, ‘Common Sense’, 20.

⁹¹ Paine, ‘Common Sense’, 20.

⁹² Paine, ‘Common Sense’, 20.

⁹³ Paine, ‘Common Sense’, 18, 20.

⁹⁴ Paine, ‘Common Sense’, 5.

VIII. The Necessity of Independence and the Necessity of Union

A common way of conceiving the relationship between Britain and America, especially among the advocates of reconciliation, was through the analogy of parent and child. While this analogy captured the idea of attachment on which a political community should be based, and as America was filled with fellow Englishman the allusion to family relations was appropriate, for Paine Britain's actions made a mockery of the analogy. Far from acting towards America out of attachment, Britain acted out of self-interest. If Britain truly was a 'parent' to America it would not only be concerned with America's interests but would place them before its own; instead Britain had, "devoured her young" and made war on her family, something that even brutes and savages would not do.⁹⁵ Britain had provided America with protection, but this was protection against its enemies not America's, and was as much at America's expense as Britain's. Britain would, he argued, have as happily protected Turkey as the American Colonies on the same motive, that of self-interest. These actions showed that Britain did not consider the American Colonists fellow countryman or even equal men. It viewed the relationship not as one of family, or even society, but rather simply as a means to aggrandizement. In Paine's eyes, the tyranny that Britain had inflicted on its fellow citizens, so broke with the way that society should operate that it had created a rift that could not be repaired.⁹⁶ To put up with such injuries would have been to dissolve the social compact, and extirpate justice from the earth. For Paine, the impetus for separation came from the same impulse that provokes us to set laws to protect justice within society, so that thieves and murders do not remain free and unpunished.⁹⁷ Britain's government of America had become an intolerable evil.⁹⁸

The situation this left in the Colonies was "truly alarming." Paine argued they were in a condition without law, government or any other mode of controlling power other than what was "founded on and granted by courtesy."⁹⁹ All America was only held together by "an unexampled occurrence of sentiment,"¹⁰⁰ as the Colonists, who had little experience on which to base their judgement, chose to trust in their fellow men that those interests which they held in common would be sufficient to establish and maintain order. It was for Paine an example of how

⁹⁵ Paine, 'Common Sense', 19.

⁹⁶ Paine, 'Common Sense', 30

⁹⁷ Paine, 'Common Sense', 30.

⁹⁸ Paine, 'Common Sense', 4.

⁹⁹ Paine, 'Common Sense', 43.

¹⁰⁰ Paine, 'Common Sense', 43.

neighbourhood relations developed to govern society. While these bonds of neighbourhood were admirable, the trust on which they were based was extremely fragile and vulnerable to change and malicious attempts to undermine and dissolve them. This was, he stressed, a situation without known precedent and no one could know what the results would be. In such a situation all they could be sure of was that:

“The property of no man is secure in the present unbraced system of things. The mind of the multitude is left at random, and seeing no fixed object before them, they pursue such as fancy or opinion presents. Nothing is criminal; there is no such thing as treason; wherefore, everyone thinks himself at liberty to act as he pleases.”¹⁰¹

Britain was no longer able to provide the freedom and security that was the purpose of government. While Britain had provided them while establishing the Colonies, the growth, change and complexity of the communities created a situation in which Britain had shown themselves no longer capable of the essential purpose of government. Paine argued, “there was a time when it was proper, and there is a proper time for it to cease.”¹⁰² The business of governing the Colonies had become too weighty and intricate for Britain to rule from London, and it was no longer tolerably convenient for a power so distant, which had become so ignorant of the people, to continue to govern. To run three thousand miles and wait three to four months for every petition was simply folly, and rule from Britain based on the same old practices and systems was simply no longer compatible with the expectations of liberty and rights of Englishmen in America.

The British constitution had become the symbol of the mistaken and misplaced pride of Englishmen, full of flaws that they were either too blind, or malicious, to reform. This was exemplified for Paine by the King’s negative, which meant that the King and Parliament retained a negative over all laws and legislation, in practice meaning that the Colonies could make no law but what the King and Parliament pleased. This, Paine argued, was as much enslavement by the want of laws, as it would have been if the laws were made for them. While the King also held a negative over all English law this was mitigated by the King’s residence in England. Under this system of government America and Britain were always going to be treated differently. America was “a secondary object in the system of British politics,” and so decisions inevitably would be

¹⁰¹ Paine, ‘Common Sense’, 43.

¹⁰² Paine, ‘Common Sense’, 24.

made in Britain's and not America's interest.¹⁰³ Such government could only ever be temporary, as a government that will not last long enough to ensure its acts into posterity, provides no security. The kind of uncertainty and distrust created by temporary government threatened to sow the seeds of distrust and ultimately rip apart whole societies. There was a duty to future generations, Paine argued, to do the work of the debt that a generation accrues, otherwise the present generation are simply use their children and their children's children meanly and pitifully indeed.¹⁰⁴ Anything short of independence was a mere 'patchwork' that could give no lasting felicity.¹⁰⁵

The immediate need for independence was focused not simply on ending British oppression, but also on keeping the prejudices which gave rise to the petty bickering of European kingdoms out of America. Nothing, he argues, but a continental form of government would preserve America from civil wars. The longer Britain maintained its rule over the Colonies the greater the resistance to its government would grow. Those men who had already felt British brutality could no longer suffer it, and their number would only increase. The reality was that even those who favoured conciliation had to realise that the loss of faith and support in British authority had undermined their ability to preserve the peace and order. British authority was unable to secure peace and order, offering the very worst kind of government: having all the expense without providing any of the things for which government was a necessary evil.

The urgency of Paine's call for American independence arose from his fear that if America did not separate immediately the various Colonies were likely to develop in their own individual ways, following some pressing apparent expediency. This was something which in itself was not bad, but had the effect of pulling apart the bonds of continental union which Paine saw as vital to the long term interests of the American people and posterity. At the time of writing, Paine felt there was a manifest spirit of good order and obedience to colonial government, but this was maintained without formal organisation only as long as people remained happy. Fifty years from when he wrote, the Colonies were likely to have developed a variety of interests through the increase in trade and population. Colony would be pitted against colony, placing their relations in a state of confusion.¹⁰⁶ The necessity of mutual support and assistance would no longer be apparent to many, as it would appear as if they were able to exist without the assistance of

¹⁰³ Paine, 'Common Sense', 25-6.

¹⁰⁴ Paine, 'Common Sense', 23.

¹⁰⁵ Paine, 'Common Sense', 24.

¹⁰⁶ Paine, 'Common Sense', 36.

others. In this state many would glory in their little distinctions, but the wise would lament that union had not been formed before.¹⁰⁷ Independence was needed immediately for Paine, as “youth is the seed-time of good habits as well in nations as in individuals.”¹⁰⁸ Presently, Paine argued, no Colony was sufficiently able to support itself, but united as a whole they were able to do anything. By uniting at this point, they would develop the kind of intimacy that only comes in infancy and develop the kind of friendship that comes through the experience of mutual misfortune; these bonds of society were the most lasting and unalterable.¹⁰⁹ By forming into a union, the Colonies avoided the dangers that would be created by the development of divisive distinctions that had disrupted the rest of the world: because where there is no distinction there is no superiority and temptation is reduced.¹¹⁰ For Paine creating a united states of America was not about creating a powerful political association, but about ensuring that the American people maintained the neighbourly relations which had seen them become so successful in such a short space of time.

Whether the American Colonies would separate from Britain was not in question, rather it was when and in what manner and form separation would occur. He argued that there were essentially three ways America could separate from Britain, “by the legal voice of the people in congress, by a military power, or by the mob.”¹¹¹ Of these paths, only the first one was acceptable for Paine, as the second would bring a military tyranny and the third a popular tyranny. America, Paine stressed, had a choice at this moment, but it would not remain a choice for much longer. They had it in their “power to begin the world over again.”¹¹² A whole continent could receive freedom for the cost of a few months struggle. Highlighting a central theme of his *Crisis* writings, he argued how awful, trifling and ridiculous “the little paltry cavilings of a few weak or interested men appear, when weighed against the business of a world.”¹¹³

It was clear for Paine that the best course of action for the American Colonists and for the people of Britain, was a clean and decisive break. Britain’s interests in America were trade and a peaceful separation with trade, was better than war without it.¹¹⁴ If America could set aside European prejudice and establish a new system of government and society, then they could

¹⁰⁷ Paine, ‘Common Sense’, 36.

¹⁰⁸ Paine, ‘Common Sense’, 36.

¹⁰⁹ Paine, ‘Common Sense’, 36.

¹¹⁰ Paine, ‘Common Sense’, 27.

¹¹¹ Paine, ‘Common Sense’, 45.

¹¹² Paine, ‘Common Sense’, 45.

¹¹³ Paine, ‘Common Sense’, 45.

¹¹⁴ Paine, ‘Common Sense’, 46.

continue the beneficial commercial relations with Britain and all would benefit. Paine concluded *Common Sense* by arguing that nothing could settle American affairs so expediently as an open and determined declaration of independence. For right or wrong, the custom of the neighbourhood of nations was not to engage in the internal quarrels of nations. A declaration of independence was needed to show the world that there was a new member of the neighbourhood. While Paine was clear that America needed to be a different kind of political community, this did not mean that it should be antagonistic to the other nations of the world. America, as he was to make clear in his *Crisis Papers*, should lead the way in extending the hand of neighbourly friendship to the rest of the world.

Conclusion

What Paine achieved in *Common Sense* was to set out a view of the world that not only gave insight to the relations of men, communities and nations, but delivered these arguments in a way that communicated them to a great number and wide variety of people. The appeal of *Common Sense* reflected its message that all men are involved in the governance of society. For Paine it is the unseen regulation of the various neighbourhoods in which we live our lives that maintains order among people. The conflation of society and government had led to the source of order being mistakenly attributed to the despotic governments imposed over people, and left unquestioned due to the establishment of prejudices and customs in support of this usurpation. This had led communities to become orientated not to the mutual and reciprocal interest and concern that is the basis of society, but towards the interests of those in government. People, for Paine, are societal creatures, but the subversion of this relationship between society and government, had given people the appearance of being creatures not of society, but subjects of particular men and government. In turn this taught people to think about the rest of the world through a corrupted image of isolated man. It is this understanding that had led peoples to view each another as competitors and enemies and interpret their physical, social, and political closeness as a source of competition, tension and threat, creating hostile neighbourhoods.

The idea of neighbourhood in Paine's thought comes from his understanding of human beings as societal creatures. For Paine, everyone is born not in a state of isolation, but in society. It is this first experience of society in family and immediate neighbourhood that shapes who people are, and provides the foundation for how we come to know the world. People always have

important parts of themselves that exist in the communities of which they are part, and which are beyond their sole control. Just as man is a societal being so the communities that people form are societal entities, which are constituted not only by their members, but those other people and communities with which they relate. We become acquainted with the world through the regular gradations of increasing our interaction and knowledge from streets and houses to town, to county, to nation, to continent and to the whole world. Paine is also clear that while this geographical increase is important, it is not only physical proximity that counts. We not only form communities as Geordies,¹¹⁵ Englishman, Britons, and Europeans, but also as Christians, Muslims, naturists, bikers, teachers, traders and a whole mess of other community identities which are seen as the various neighbourhoods in which men operate. The problem with the political and social system in Europe that Paine identified was that national identity had been imposed as superior to all others. The imposition of national identity not only kept people subject to the rulers of these nations, but taught people a way of life that blinded them to other possible ways of living.

The European neighbourhood had become a hostile one for Paine, in large part because of the false distinction that had been placed between men, of king and subject. The idea that there were men who were born to a higher station and naturally superior to others, was false in the extreme for Paine, and introduced into men's understanding of the world a principle of division that when carried into their lives, gave them false ideas of difference and competition with others. There was an original equality of mankind based in the fact that men's wants and needs were greater than their strengths and so all men require the assistance of others. This should have been the basis by which 'nature' guides men through the realisation of their need for one another, to form the bonds of society and neighbourhood at all scales. The divisive ideas of hereditary monarchy corrupted points of common and mutual interests into points of competition, and this was how hostile neighbourhoods had developed.

Paine portrays the origin of hereditary monarchies and the kingdoms into which they had divided Europe in the simplest of terms in order to make the general point to his audience. Their origin lay in the usurpation of the authority and power that rested in all people, through the means of force and fraud exemplified in the idea of a divine right to rule. This created a system in Europe where each nation was viewed in the manner of a self-interested individual, in

¹¹⁵ A person born and raised within spitting distance of the river Tyne.

competition for those common wants and needs with the other individual nations, creating the situation where the neighbourhood of nations in Europe was “too thickly planted with kingdoms to be long at peace.”¹¹⁶ Paine identified a system of international politics and relations which he thought was not inevitable, but was a reality. Paine’s hope was that in America it would be realised that this was not a natural or inevitable state of affairs and that there was a way of thinking about and acting in politics that could establish a better mode of relating and settling differences.

¹¹⁶ Paine, ‘Common Sense’, 21

Chapter 8

Paine's American Crisis and the Creation of a New World

Introduction

After the Declaration of Independence, while the fight for separation had only just begun Paine came to the view that it was no longer a question of if America would become independent, but when and what kind of a political community they would form. To aid the cause Paine penned the *American Crisis Papers*, designed to lift the morale of the Colonists in the war, but more importantly to try and shape the emerging political community into a true republic that would leave behind the European prejudices he had exposed in *Common Sense*. Composed of thirteen numbered and three additional papers,¹ the *Crisis Papers* are in places repetitious and disjointed, as each was written with a particular audience and purpose in mind. But, this chapter argues, there is a coherent message running through them that sets out the idea of a new kind of political community and politics based on Paine's understanding of the natural relations of neighbourhood. Paine argued that for America truly to be the "asylum for mankind," it was essential that a political community was established and developed through an understanding of the relations of neighbourhood, placing the Christian idea of neighbourliness at the heart of their constitution. What is charted here is the development of Paine's arguments from a focus on the individual conduct of Americans to a wider view of their conduct as a nation in the world and why it is important to realise that these are the same concern.

This chapter traces Paine's arguments for the establishment of a new kind of politics and a continental political community based on the principles of liberty and Christian neighbourliness.

I. Sets out the intellectual and historical contexts in which Paine produced his *Crisis Papers*.

¹ John Keane suggests the significance of thirteen *Crisis Papers* is that Paine drafted one for each state.

- II. Examines Paine's arguments about the importance of character and resolve to the Revolution. It sets out the importance of embracing a neighbourhood understanding of man, and rejecting the self-interested Toryism of Europe.
- III. Discusses the function of knowledge in Paine's political theory.
- IV. Sets out Paine's arguments regarding the character of nations, and the consequences of ill-mannered behaviour in a neighbourhood of nations.
- V. Examines Paine's argument about the distinction between the spirit and principle of liberty. It then sets out how, for Paine, a problematic understanding of nations and national honour had led to a view of the world composed of separate hostile nations and examines how his ideas of neighbourhood were central to what he saw as the proper understanding of the relations men and nations.

I. Context

While much of the context of Paine's thought and writing in *Common Sense* continued, Paine's new fame, the outbreak of the Revolutionary war, and most importantly the questions of what kind of political community America would be, were important factors in the creation of his *Crisis Papers*. At a time when circulations of a few thousand copies of a pamphlet made it a major success, *Common Sense* had a circulation of 120,000 by April 1776.² Paine had become a major figure in the Revolutionary movement. This brought him great public esteem, but also made him the target of pamphlets and arguments both from the British and Loyalist camps and from many within the Revolutionary circles, who did not agree with his radical republican position.

Paine produced his *Crisis Papers* amid debates, not only about how America could win the war, but about what an independent America would look like and how it would act. As Gordon Wood highlights: while military victory was essential to the Revolution, the ideas of what America was going to become were every bit as important to its success.³ The intellectual context for Paine's writings in the period was the debates about republican ideology. Bernard Bailyn and Caroline Robbins have highlighted that this republicanism was shaped and underpinned by

² Later claims indicate *Common Sense* sold at least 150,000 copies within a year. T. Paine, 'The Forester Letters. Letter II. To Cato' [8 April 1776], *The Complete Writings of Thomas Paine: Volume II*, (ed.) P.S. Foner, (New York: Citadel Press, 1945), 66; L. Kerber, "'I Have Don...much to Carrey on the Warr.'" Women and the Shaping of Republican Ideology After the American Revolution', *Journal of Women's History*, 1/3(1990), 234; J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995), 111.

³ G.S. Wood, *The American Revolution*, (New York: The Modern Library, 2002), 91.

Scottish and English political ideas,⁴ and, as Michael Durey points out, two main ('Classical' and 'Liberal') interpretations, of these ideological influences have been identified.⁵ But while these British ideas were central to the republican debates, Wood argues there were also strong influences from older European republican ideas stretching back to the Romans and Greeks. There was a strong sense, in the Revolutionaries references to ancient Greece and Rome, that not only would America become a republic, but that the Revolution would rank alongside the achievements of these great civilisations—a notion explicit in Paine's *Crisis V*.⁶ Many of the republican ideas, theories and hopes in America focused on the establishment of constitutions for the states and America as a whole. Republics in Europe were seen to operate because of the virtue of the people, but as a result political thinkers like Montesquieu and Rousseau suggested that republics had to be small states. Americans understood these arguments and the debates raged over how republics could successfully operate at the size of American states and as a whole. Paine engaged in these debates especially those about the Pennsylvania constitution which was widely regarded to be the most radical of the Revolution. As Foner and Keane argue,⁷ Paine was well educated and much of his view of the world established, before he arrived in America. However, Jack Greene's argument that Paine not only had an important impact on America, but America had an impact on Paine, highlights important aspects of Paine's thinking.⁸ While he may have developed his way of thinking about the world in Europe, the opportunities, ideas and desires he found in America shaped his and his fellow thinkers', such as Jefferson, vision for a new type of political and social relations that embraced the natural affection that held together society.⁹

Paine was understandably delighted by the Declaration of Independence, but the reality of the task before America quickly became apparent. Paine immediately took up military service, joining the Pennsylvania Flying Camp, and marched with them to Amboy New Jersey where he would

⁴ B. Bailyn, *The Ideological Origins of the American Revolution*, (Cambridge, MA: Belknap Press, 1992); C. Robbin, *The Eighteenth-Century Commonwealthman*, (Cambridge, MA: Harvard University Press, 1959); M. Durey, 'Thomas Paine's Apostle's: Radical Emigrés and the Triumph of Jeffersonian Republicanism', in *Thomas Paine*, (ed.) B. Kucklick, (Trowbridge: The Cromwell Press, 2006), 55.

⁵ The classical interpretation have been put forward by historians such as J.G.A Pocock and Lance Banning who identify figures like James Harrington, Algernon Sidney, John Trechard, Thomas Gordon, Bolingbroke and Joseph Addison. The Liberal interpretation has been argued by the historians Isaac Kramnick and Joyce Appleby who identify figures such as John Locke, Thomas Mun, Adam Smith, Richard Price and Joseph Priestly. Durey, 'Thomas Paine's Apostle's': 55.

⁶ Wood, *The American Revolution*, 91-2, 96-99.

⁷ Keane, *Tom Paine*; E. Foner, *Tom Paine and Revolutionary America*, (Oxford: Oxford University Press, 1976).

⁸ J.P. Greene, 'Paine, America, and the "Modernization" of Political Consciousness', in *Thomas Paine*, (ed.) B. Kucklick, (Trowbridge: The Cromwell Press, 2006), 341-60.

⁹ Wood, *The American Revolution*, 107.

have observed the British invasion of New York.¹⁰ In September, when the Camp's term of enlistment was up, Paine headed to Fort Lee where he became the aide-de-camp to General Nathanael Greene. From Fort Lee, Paine continued to observe the moves of the British and produced reports for the Philadelphia press of the skirmishes between the British and American forces.¹¹ While Paine's reports kept up the spirits of the Americans, Washington's army was slowly worn down over summer and into the autumn months.¹² In November the British captured first Fort Washington, its entire 2,858 man garrison and stores, ammunition and artillery, and then Fort Lee, where General Greene's garrison, including Paine, narrowly escaped.¹³ Greene's and Washington's armies were sent backtracking through New Jersey to Trenton and then across the Delaware River, with ever thinning ranks. It was at this point, with Philadelphia now threatened, that Paine headed back to the City to find that Congress had fled to Baltimore and that many people had become disillusioned, due to the poor performance of the American army. It was against this background that Paine produced his first *American Crisis Paper*,¹⁴ which inspired the troops before they crossed the Delaware to attack the Hessian troops¹⁵ at Trenton on Christmas night.¹⁶ Victory at Trenton swayed momentum back towards the Americans, but Paine, aware of the long road still ahead quickly penned *Crisis II*, intended to keep revolutionary feet on the ground, while still maintaining optimism for the fight. In early 1777, Paine was appointed secretary to a delegation from Congress to negotiate with the Iroquois tribes. This was an experience that strengthened Paine's belief that Britain would inevitably be defeated, when Chief Lastnight observed to him that "The King of England...is like a fish. When he is in the water he can wag his tail—when he comes on land he lays on his side."¹⁷ It was at this time in early 1777 that Paine also became involved in the debates over the Pennsylvania constitution, and then on 17th April the Committee for Foreign Affairs was created by Congress, and Paine was appointed its secretary. Paine also published *Crisis III*, to mark the second anniversary of Lexington and Concord, and in it he made one of his clearest attacks on America's internal enemies.

¹⁰ Keane, *Tom Paine*, 138.

¹¹ Keane, *Tom Paine*, 139-40.

¹² Keane, *Tom Paine*, 139-40; R. Middlekauff, *The Glorious Cause: The American Revolution 1763-1789*, (Oxford: Oxford University Press, 2005), 346-59.

¹³ R. Middlekauff, *The Glorious Cause: The American Revolution 1763-1789*, (Oxford: Oxford University Press, 2005), 356-62; Keane, *Tom Paine*, 139-41.

¹⁴ Keane, *Tom Paine*, 141-5.

¹⁵ The Hessian troops were German mercenaries hired by Britain to fight in America. The use of these troops by Britain had been quite controversial, with Whigs like Burke objecting strongly to the use of mercenaries against fellow Englishmen.

¹⁶ Middlekauff, *The Glorious Cause*, 363-9; Keane, *Tom Paine*, 144-5.

¹⁷ T. Paine, 'On the Question, Will There Be War?' [14 August 1807], *Complete Writings II*, 1013.

Towards the end of 1777 the war was very much in the balance. On 11th September the British Army, who were advancing on Philadelphia, were met by Washington's army at Brandywine Creek. While Washington's Army retreated before being outflanked, Howe's army was able to continue towards the capital, Philadelphia.¹⁸ It was upon hearing of this defeat while in Philadelphia, that Paine quickly produced his *Crisis IV* and then promptly left to resume his position as aide-de-camp to General Greene. In September and October the battles of Saratoga saw the Americans win an important victory over the British troops under Burgoyne's command. Over the winter of 1777 Paine stayed with friends and worked on his *Crisis V* which was published in March 1778, it addressed British actions and further argued his republican case to the American people. On 17th February 1778 Parliament, concerned about France's entry into the war, voted to send a commission to offer the Americans everything they had asked for except for independence. Congress replied to this offer on 6th June saying they would accept nothing short of independence. Before leaving, the commissioners published a manifesto over the heads of Congress, appealing to the American people. Paine wrote his *Crisis VI* in reply to this appeal. In November Paine wrote his *Crisis VII 'To the People of England'* to make the case to them that separation was now inevitable.¹⁹ The end of 1778 also saw Paine become involved in the Silas Deane affair.²⁰ Deane was merchant sent to France by Congress, to procure military and other supplies and prepare the way for a treaty. The controversy centred on whether a shipment of supplies was a gift from the French government that Deane had then charged Congress for. For Paine and many others, this was a worrying example of profiteering and questionable ethical standards that were starting to creep into American political life and society. This erupted into a bitter confrontation that Paine, who was certain of Deane's guilt, could not stay out of. Paine, as Secretary to the Committee for Foreign Affairs, had seen the proof of the accusations, but when he offered this up in an argument, he was accused of breaching his oath of secrecy, an accusation that lost him his job.²¹

Paine said in 1780 that he thought "the people of America understand rights better than politics. They have a clear idea of their object, but are greatly deficient in comprehending the means."²² Commenting on this observation, Cecilia Kenyon argues that it was Paine who failed to

¹⁸ Middlekauff, *The Glorious Cause*, 390-401.

¹⁹ Keane, *Tom Paine*, 158-68.

²⁰ For a concise summary of the Silas Deane affair. J.N. Rakove, *The Beginnings of National Politics: An Interpretive History of the Continental Congress*, (Baltimore: John Hopkins University Press, 1979), 249-55.

²¹ Keane, *Tom Paine*, 168-80.

²² T. Paine, 'Letter to Joseph Reed' [4 June 1780], *Complete Writings II*, 1186.

understand politics.²³ There is likely some truth to this argument, however, what is clear in recovering his neighbourhood ideas is that he had a different understanding of politics from the one central to the hostile neighbourhood of Europe, and was aware of the means needed to bring his ideas about. It is the attempt to convey this 'new' politics that is the overriding context for his *Crisis Papers*.

II. The Times Try Men's Souls

We will never know how much attention Paine, sat by a camp fire in the depths of winter, penning *Crisis I* on a drum head, thought the wider message and implications of his words would receive. What we do know was that Washington's forces had been driven back across New Jersey, and the Revolution seemed all but lost.²⁴ In this context his words, read aloud by Washington and his officers, were clearly meant to inspire. But this was no mere call to resist and cast off an oppressive regime, to replace one set of rulers with another. This was a call that asked each 'American' whether they were prepared to make the necessary sacrifice, not only in the immediate fight against Britain, but in the everyday duties that something as important as liberty requires. For Paine, to gain the security of liberty requires a commitment to the liberty of others. People could either see their neighbourhoods as challenging their freedom and live in isolated fear, or by realising that these neighbourhoods are important parts of who they are, see their freedom affirmed by those around them. In opening his *Crisis I*, he once again drew a clear distinction between the old world and the new world, between two types of neighbourhood.

"These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as FREEDOM should not be highly rated. Britain, with an army to enforce her tyranny, has declared that she has a right (*not only*

²³ C. Kenyon, 'Where Paine Went Wrong', *The American Political Science Review*, 45/4, (1951), 1086-99.

²⁴ P.S. Foner, 'Introduction' to 'The American Crisis I', Paine, *The Complete Writings of Thomas Paine: Volume I*, (ed.) P.S. Foner (New York: Citadel Press, 1945), 49.

to TAX) but “to BIND *us in ALL CASES WHATSOEVER*,” and if being *bound in that manner*, is not slavery, then is there not such a thing as slavery upon earth. Even the expression is impious; for so unlimited a power can belong only to God.”²⁵

Paine’s immediate message to his reader was to keep fighting. Independence would cost and the price would be hardship and difficulty. But they should remember that they were fighting for was liberty and difficulty only indicates its inestimable value. Freedom is something that comes from God and as such, man is born with it as a right. This does not mean it should come easily or be free, quite the contrary, the price that must be paid for it suggests its divine origin. But Paine’s message also spoke, beyond the present conflict and Revolution, to all mankind. Freedom does not become less highly rated because it is closer at hand, so these words also warn future generations, that they must be prepared to make their sacrifice to maintain what men gave so much to obtain. If vigilance is not paid to maintaining freedom, people show they do not esteem it, and do indeed receive it too cheaply. Liberty is not a given, rather it is established and maintained through the relations of men to one another. It is secured better within neighbourhoods, where people make mutual enjoyment their focus and see a disturbance or a mischief against this in any part, as an infringement against their liberty. Even under great constitutions, he argued, freedom was something that had to be earned and was not guaranteed. What made these constitutions great was that they promoted the Christian manners of neighbourliness. Summer citizens and sunshine patriots were as much a danger once peace had been won as summer soldiers were while the cause was still being fought, perhaps even more so as the distinction is harder to see. It was this complacency that was so clearly evident in Britain’s conduct and actions. Having taken for granted the gift of liberty given to them through the sacrifice of their ancestors, they lost any real understanding and appreciation of liberty and so supposed themselves to have a divine-like status with some title and right to dictate to and subjugate the rest of mankind.

No matter what Britain’s intentions were, they did not and nor could they ever possess a right to take away the freedom of Americans, as Britain had implied by claiming a right to “bind them in all cases whatsoever.”²⁶ For Paine this was wrong as a matter of universal principle. This was not a matter for dispute under positive law. No Act of Parliament or constitutional clause could

²⁵ T. Paine, “The American Crisis I” [23 December 1776], *Complete Writings* I, 50.

²⁶ Paine, “The American Crisis I”, 50.

legislate this power. It is a matter for universal or natural law.²⁷ Slavery is against nature and its practice has the effect of corrupting the foundations of all society which it touched.²⁸ Britain's attempt to enslave the American people was clear evidence of corruption within their political and social systems. But as *Common Sense* had established, this was not merely Britain's problem. There were fundamental flaws in the fabric of European society and government that created a neighbourhood premised on egotistical and self-aggrandising behaviour.

For Paine, these were the times that try men's souls, not just through hardship, but by asking them who they really were, and whether they were part of mankind and treated their neighbour as they would be treated, or part of a group willing to subjugate their fellow man for their own aggrandisement. America, Paine had suggested, was not just a new hope, it was in many senses the last hope, the asylum of mankind, and those summer soldiers and sunshine patriots were part of an old world, only interested in self-glorification. They were, so to speak, 'bad neighbours' who saw their interests not just in their own prosperity, but in prosperity at the expense of those around them. The competition within Europe, viewed in this sense, was not just about building the biggest house or growing the best garden, but also about the glee felt at seeing their neighbour's house in flames or the garden wilting in the shade of their new extension. The service of one's country is not, for Paine, about making it great at the expense of others; those who fight for a country in this manner, fight not for their own country, but to extend the tyranny of some ruling few. Such men are in the plainest sense mercenaries, which for Paine made them Tories.

As Paine first established in his *Dialogue*, to serve one's country is not about blindly following orders.²⁹ Soldiers are men and citizens first; they are not machines to be animated by the state and so not only their privileges, but also their duties cannot be wiped out by putting on a sword.³⁰ To fight and possibly die for one's country was noble indeed, but for Paine - and as Lincoln later put it - to give "the last full measure of devotion" was noble only in devotion to the cause of freedom and the protection of one's neighbourhood.³¹ To serve one's country whether in war or peace, requires people to act in the hardest of personal circumstances, but it also requires men to realise that their actions stand for what the country is, because they are their

²⁷ Paine, 'The American Crisis I', 50.

²⁸ T. Paine, 'African Slavery in America' [8 March 1775], *Complete Writings II*, 15-22.

²⁹ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston' [4 January 1775], *Complete Writings II*, 47-9.

³⁰ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

³¹ Lincoln A (1863) Gettysburg Address. http://avalon.law.yale.edu/19th_century/gettyb.asp.

country. Men are not individual, but societal creatures and as such they must take as much care of the community interests and wellbeing as their own, as they are inextricably linked.

What concerned Paine most, even at the darkest points of the war, was not the threat from British troops, but rather from those Colonists who were prepared to put personal gain before American independence. This concerned Paine less because it weakened the chances of winning the war and more because it posed a serious risk to the integrity and unity of the country they were fighting to form. While Paine, in a similar manner to Burke, saw the opinion and power of the judgment of the neighbourhood as a powerful governing force, the establishment of a corrupting element of bad neighbours at its heart was always a risk to a neighbourhood. For Paine, as hard as the struggle might be and despite the many setbacks they would have to face, the Americans would prevail because the fight that Britain faced was an entirely different prospect from that of European warfare.³² While in Europe it was only necessary to take the cities to hold the land, in America to secure the subjection of the people they had to march over the land and be garrisoned in every place. If the Colonists could hold their nerve and principles, the British forces would be like “a stream running to nothing,” as they spread across the land they would become like a string of drops incapable of hanging together.³³ Paine’s arguments about Britain’s inability or unwillingness to understand and adapt to the geography of America, represented a clear analogy with their lack of understanding of the new political and societal structures that were becoming established in America. This is a clear example of how America influenced and reinforced Paine’s Political thinking. The British forces were held together only by force and self-interest. When compared to the bonds of common interest formed in the burgeoning society and neighbourhoods of America, the Americans held the advantage. To make Americans their subjects Britain would have to physically subdue every single person, because Americans by embracing their neighbourhood duties and interests would rise up for their neighbours. If the people, he argued, could withstand a few hard months, there would be a point at which the retreating Colonial forces, like a river turning back on itself, would have gained enough strength to rush back at the British and, swelled by the tributaries and springs of their fellow Americans, who had endured in every part of the land, they would sweep the British out of America.³⁴ This for Paine was the unstoppable power that is generated by the close relations that those in a neighbourhood create.

³² Paine, ‘The American Crisis II’ [13 January 1777], *Complete Writings I*, 68-9.

³³ Paine, ‘The American Crisis II’, 68.

³⁴ Paine, ‘The American Crisis II’, 68-9.

Paine was aware though that the decisive factor in the fight for independence was the character of the Colonists. He stressed that the inestimable blessings of “liberty and safety” were in contention and these should not be traded for small accommodations.³⁵ As he put it, that a man obtains a little salt for his pottage or a gay coat in exchange for his birth right makes him no different from a man who would do this for a plain pottage or coat.³⁶ These men, Paine argues, ought to be forever “slaves in buff,” because they not only sell their rights, but also those of their family, neighbours, and countrymen. They were condemning the whole of society for their pitiful price. When considered, the inconvenience of a few months is a small price to pay for avoiding the “tributary bondage of ages.”³⁷ Paine’s appeal was not simply for men to look to their long term self-interest, it was for men to act in a manner in which they could take pride and have honour. That was not just to look at the extent and condition of their own house, but also take pride in their neighbours’ houses and the general state of the neighbourhood in which they live.

“The meanest peasant in America, blessed with these sentiments, is a happy man compared with a New-York tory; he can eat his morsel without repining, and when he has done, can sweeten it with a repast of wholesome air; he can take his child by the hand and bless it, without feeling the conscious shame of neglecting a parent’s duty.”³⁸

The New York Tory is left only with himself for company and support, because he abandons his neighbours. The poorest man, in a free country, is far better off and happier, than a rich man, who must live subject to a tyrannical government. The decision to take some immediate temporary pleasure is made not only at the expense of one man’s liberty, or his neighbours’ liberty, but of the liberty and happiness of posterity. As highlighted in *Common Sense*, such hereditary government over those yet to be born is a heinous crime indeed.³⁹ By taking account of one’s neighbours, as he first argued in *African Slavery*,⁴⁰ people use the experience and attachments gained through familial and societal relations to discover “their true and solid interest.”⁴¹ By highlighting this point Paine’s intention was to encourage Americans to embrace “their own good, to remove the fears and falsities which bad men have spread, and weak men

³⁵ Paine, ‘The American Crisis II’, 69.

³⁶ Paine, ‘The American Crisis II’, 69.

³⁷ Paine, ‘The American Crisis II’, 69.

³⁸ Paine, ‘The American Crisis II’, 69.

³⁹ Paine ‘Common Sense’ [January 1775], *Complete Writings I*, 9-16.

⁴⁰ T. Paine, ‘African Slavery in America’ [8 March 1775], *Complete Writings II*, 16.

⁴¹ Paine, ‘The American Crisis II’, 69.

have encouraged; and to excite in all men a love for union, and a cheerfulness for duty.”⁴² Paine wanted to encourage men to embrace, develop and extend their neighbourhoods by moving past those fears spread by self-interested men that any concern and effort shown for their neighbours would be unreciprocated and lost forever. By showing an interest and concern they would soon realise that their neighbours are as happy as they are to improve and show a concern for the neighbourhood and welcome the duties that attend this.

Tories, for Paine, had a disposition to cowardice, and a servile, slavish, self-interested fear as their very foundation. As a result these men abandon the relations and experience of society, for perceived personal security and gain. Paine tells a story of a renowned Tory tavern keeper who, standing with child in hand, speaking his mind on the events of the conflict, concluded by saying “Well! Give me peace in my day.”⁴³ For Paine, this was an outrageous, unfatherly expression that exemplified the selfish Tory attitude that he found so disgusting and so dangerous. The sentiment should always be “If there must be trouble, let it be in my day, that my child may have peace.”⁴⁴ This was an attitude, Paine thought, central to the organisation and practice of a healthy and happy community and a constitutional principle for all good government as it awakens duty in every man. The Tory attitude shows duty, if it can properly be called that, to none but oneself and this principle, when applied to communities, leads to distrust and segregation, which is then reflected and even intensified in government. The consequence is that a hostile neighbourhood such as that of Europe becomes, “too thickly planted with kingdoms, where every country and every person is taught to fear for their very survival, as common interest becomes a point of contention, rather than attachment.

The argument highlighting the hostile neighbourhood in Europe and the necessity for America to separate from it had been successfully made in *Common Sense*. While Paine continued to emphasise the main tenets of this argument, he was clear that there was a point at which attempts to show men the truth of events, and explain to them their interests, have been made for long enough. The time for gentle persuasion, he said, was now over; the world cannot be sacrificed to their folly and baseness.⁴⁵ His main concern in *Common Sense* had been that people would not open their minds to the truth about Britain and that independence would not gain the support needed. His concern during the conflict and in the *Crisis Papers* was with those unwilling

⁴² Paine, ‘The American Crisis II’, 69.

⁴³ Paine, ‘The American Crisis I’, 53.

⁴⁴ Paine, ‘The American Crisis I’, 53-4.

⁴⁵ Paine, ‘The American Crisis I’, 53.

to make the necessary changes and sacrifices. There were those men - or Tories - who were openly on the side of the British, and were quite clearly enemies to the idea of America. But, there were also men, who were less clear in their allegiance. First, there were Tories who were clearly only interested in protecting and increasing their wealth and had no principles at all, and so would claim support for whoever appeared to suit their interests. Secondly, there were men who claimed to support the cause, but would not agree with all the stages⁴⁶ of the Whig opposition to the British declaration of a right “to bind the colonies in all cases whatsoever.”⁴⁷ Essentially, these men wished to contest Britain’s right, but were unprepared to defend this by force or agree to the Declaration of Independence. These men, despite their claims, were also Tories, as they were unwilling to make the necessary sacrifices for the idea of America to become a reality. Paine clearly draws a distinction not just between Europe and America, but between Tories and Americans, and gives what he calls a “touchstone to try men by”:

*“He that is not a supporter of the independent states of America in the same degree that his religious and political principles would suffer him to support the government of any other country, of which he called himself a subject, is, in the American sense of the word, A TORY; and the instant that he endeavors to bring his toryism into practice, he becomes A TRAITOR. The first can only be detected by a general test, and the law hath already provided for the latter.”*⁴⁸

Paine argued that it is “simply unnatural and impolitic” to allow men who would “root up our independence, to have anything to do with our legislation.” Making a reference to Britain, he asks would they, at a time of peace let alone war, allow men, professing themselves to be subjects of another state, to sway an election, or sit in Parliament? For independence to be successful it relies on the purity and vigour of its new public bodies. This ‘touchstone’ clearly marks out those who are and are not ‘American’ and those who are and are not welcome on the American continent.

The idea of being ‘American’ meant more than thinking that America should be an independent nation like Britain or France. Being American was not akin to being British or French, it was about a commitment to a way of relating to your neighbour and to organising government and

⁴⁶ Paine, “The American Crisis III” [19 April 1777], *Complete Writings I*, 76; *First*, denied the right; *secondly*, they suspended the use of taxable articles, and petitioned against the practice of taxation: and these failing, they, *thirdly*, defended their property by force, as soon as it was forcibly invaded, and, in answer to the declaration of rebellion and non-protection, published their Declaration of Independence and right of self-protection.

⁴⁷ Paine, “The American Crisis III”, 76.

⁴⁸ Paine, “The American Crisis III”, 77.

society as a consequence. As such it was not enough simply to remain outside this dispute, as the men who did so were Tories not on principle, but through avarice, as their only interest was their own wealth.⁴⁹ The failure of European nations and people was that they had divided up into their little kingdoms and not realised the necessary connection that all had to the other members of the neighbourhood. For Paine, the truth was that French prosperity did not diminish British prosperity, but likely increased it. America was, in Paine's mind, to be built on the principle that what aided their neighbour also aided them. A concern was felt for all those actions and events which affected those with whom they were connected. This was to be the principle at the heart of the American constitution, seen in the actions and forms of their government and reflected in their relations with other nations and communities.

Tories were not a benign influence. While they continued to maintain their positions they were traitors, and should be dealt with according to the law. Paine's arguments in regard to those he labels Tories were strong indeed, and this suggestion of a test to determine whether or not a person was American, raises serious questions as to the extent to which his arguments allow for difference and dissent. On the whole Paine's writings imply openness and accommodation, encompassing and embracing the whole of mankind. What we see here, though, are very definite criteria for who is and who should be part of the new world. In part this may come from a concern for victory, however Paine was not merely speaking to his particular circumstance and time. This was a touchstone that was to apply beyond the conflict. For Paine this was not something that should prohibit political, religious or moral differences, rather it served the purpose of weeding out those ideas that corrupt society and government and create hostile neighbourhoods both within and between states.

While there was a strong exclusionary tone to this perspective, the overriding message was intended to be inclusionary. When talking about those who supported independence and who can justifiably call themselves American, Paine does not say "supporter of the independent states of America" only, he says "as much as his religious and political principles would allow him to support the government of any other country."⁵⁰ Paine was saying that it was not necessarily to have sole devotion to one national identity, only that support and recognition is given equally to all those nations of which a person claims to be a citizen. Paine considered himself to be American, but also retained his attachment to Britain. When we consider that he also quite

⁴⁹ Paine uses the term *mammon* which can imply a pejorative connotation to wealth as a false god or evil influence.

⁵⁰ Paine, 'The American Crisis III', 77.

happily went on to accept French citizenship without feeling any conflict, it seems clear that this was something Paine thought was unproblematic. Indeed, as he argued in *Common Sense*, the way people from different European nations overcame national divisions in America was an important element to the progress that America had made.⁵¹ The continental politics of America were, for Paine, a step beyond the ‘international’ politics of Europe, a position which made clear the intermingling of different (local and national) cultures was a good and necessary thing. Paine argued that any person on the American continent, still unable to step beyond politics limited by the European view and attachment of nation, was a Tory and should be viewed as an unwelcome presence. Those who recognise the argument for independence had, for Paine, made the step towards a continental mind-set, shown that they are not summer soldiers or sunshine patriots and embraced the privileges and duties of the American neighbourhood.

III. Coming to Know the World

In *Common Sense* Paine had highlighted that the problem with European government and society was that people were separated from politics and their acquaintance with the world halted. Through coercion and deception, people had come to view the way society was structured and governed in Europe as legitimate and accepted most of their knowledge about the world and the way it was ordered without thinking. It was this inattention to what happens in the world around us, in the neighbourhoods in which people and communities operate, that was such a threat to the development of the American political community. The inattention helped to perpetuate the problems of European government and continue the hostility of the neighbourhood. Paine was adamant that the same problems should not be allowed to occur in the establishment and maintenance of an American government, based on and regulated by the principles of a Christian neighbourhood. As a young country, America needed to take great care in establishing itself and an important part was developing an understanding of how knowledge relates to the operation of politics and society. In *Common Sense* he emphasised ‘Youth is the seed time of good habits as well in nations as individuals’.⁵² Paine continued to stress this in his *Crisis Papers*, but added a note of caution, emphasising, “Wisdom is not the purchase of a day, and it is no wonder that we should err at the first setting off.”⁵³ For Paine, men become acquainted with the world and

⁵¹ Paine, ‘Common Sense’, 20.

⁵² Paine, ‘Common Sense’, 36.

⁵³ Paine, ‘American Crisis I’, 54.

extend their neighbourhoods to take account of new experiences and relations, through the testing of knowledge and local prejudices, against the new experiences and ideas which they encountered.⁵⁴ Being cautious, especially when encountering new experiences, was central to Paine's ideas of how the neighbourhood operated for the protection of its members. As a new and relatively inexperienced community, it was vital that America was careful, as while they needed to put in place new practices and habits that would last, one of the most important habits was going to be a sense of humility - to recognise if their attempts were failing. They were going to get things wrong and it was vital that they could recognise, correct and learn when this occurred.

Progress is a central feature of Paine's thought, but what Paine made clear at the start of *Crisis III*, was that this ambition and advancement is all well and good, but it has to be based on something.⁵⁵ When men become acquainted with the world through regular gradations, they overcome local prejudices, but at the same time they become surer of those aspects that bear out at the larger scale. You cannot have a proper sense of town, county or country, without first having encountered the street and the sense of neighbourhood it creates. These everyday experiences are easy to take for granted and overlook and, Paine warns, if people are not careful they will lose experience and knowledge vital to the good functioning of politics and society.

“In the progress of politics, as in the common occurrences of life, we are not only apt to forget the ground we have travelled over, but frequently neglect to gather up experience as we go. We expend, if I may so say, the knowledge of every day on the circumstances that produce it, and journey on in search of new matter and new refinements: but as it is pleasant and sometimes useful to look back, even to the first periods of infancy, and trace the turns and windings through which we have passed, so we may likewise derive many advantages by halting a while in our political career, and taking a review of the wondrous complicated labyrinth of little more than yesterday.”⁵⁶

The events of the American Revolution were an extreme case of progress in politics. As a result the American people, both individually and as a community, had grown old in a very short

⁵⁴ Paine, 'Common Sense', 19-20.

⁵⁵ Paine, 'American Crisis III', 74-5.

⁵⁶ Paine, 'American Crisis III', 74.

period.⁵⁷ Forced to establish a new country and a new system of government, while still fighting off the old tyrannical occupiers, there was much that Americans had learnt, but also much they neglected to take account of. In such a rapid succession of events there is little time to think and knowledge is unavoidably wasted.⁵⁸ What is vital in both extreme and more peaceful times is that sight is not lost of the guiding principles and ideas of a particular society and that consideration is, from time to time, given to what might have been left behind. While it is exciting to progress and push on to new ground, Paine highlights that a man totally deprived of memory is incapable of forming a just opinion and will find everything around him seems like chaos. There is an order created by an understanding and concern for those in our vicinity, and without knowledge of who we are and where we stand in relations to others, even the most ordered communities may seem chaotic. Such a man, without an idea of how the world went before, would have no idea of how it ought to go on. This is the same problem - but to a less extreme degree - Paine argues, when there is “a too great an inattention to past occurrences” as it “retards and bewilders our judgement in everything.”⁵⁹ Even though things may seem like progress, without a clear idea of what came before, no clear judgement can be made, and in such circumstances, even the best intentioned pursuit of progress, is not only misguided, but potentially disastrous.

If history and experience are not only useful, but necessary to man’s actions in the world, for Paine, this leaves the question as to how his position on custom, central to his argument in *Common Sense*, fits with the importance he ascribes to these ideas. The transmission of knowledge, experience, manners, and structures of society are for Paine a necessary and a good thing; without these people would have no idea of how they ought to go on in the world. Custom represents the unthinking acceptance of this transmission and it is for this reason that it was so dangerous. Custom is analogous to the man deprived of his memory being told a fictitious history by those around him, for their own personal gain. Custom is an inattention to the past, but made more dangerous by the delusion that attention is really being paid. It is the imposition of societal and governmental structures designed to stop people questioning, to leave them ignorant, rather than stimulate the thought and questioning that furthers both individual and collective societal knowledge. This kind of custom goes against the ideas of neighbourhood as it promotes inattention, and convinces men not to show the necessary concern for their own and their neighbour’s interests. A major component of Paine’s neighbourhood ideas is that we need,

⁵⁷ Paine, ‘American Crisis III’, 74.

⁵⁸ Paine, ‘American Crisis III’, 74.

⁵⁹ Paine, ‘American Crisis III’, 74.

not only to become better acquainted with other communities and areas of the world, but also to what is passed down from earlier generations.

For Paine, the only way to understand the past and the present is through direct engagement and comparison. When this is done, the true character of both is frequently discovered and we become wise for very little trouble.⁶⁰ However, as we can never be certain of anything and comparison is an on-going process that must constantly reaffirm in the present that what was previously discerned still stands. What Paine describes is what we now term a critical capacity. It is only through a critical engagement of our own experience combined with what is transmitted from others, that we gain a full understanding of our own experiences and can make a judgement on what we learn from others. This, it should be emphasised, is not an individual exercise, but rather a collective, on-going task for each community, from the small scale to the large. This is a task aided by communities, characterised by good neighbourhood relations, because the mutual concern and trust they establish promotes this process not just among those alive, but also between past, present and future generations of men.

Paine stresses, in a similar fashion to Burke, that a true understanding of events and circumstances may not be apparent immediately, or even within a generation. A great time can elapse between an event and the point at which it can be understood. This makes it more important to continue our observations and gather knowledge, otherwise what Paine describes as their ‘harmony’ may go unnoticed.⁶¹ It is too often that such harmonies are missed as we allow the “pressing necessity of some instant things” and the “impatience of our tempers” to distract us, creating a desire for instant satiation of every whim and the belief that we can understand the meaning of everything as it happens. The consequence of our impatience and inattention is never truly to understand anything and as a result we only create new difficulties for ourselves, embarrassing “providence in her good designs.”⁶² It is this impatience, this inward focus on seemingly pressing necessities usually relating to a person’s personal fortune, which was one of the characteristics of those composing the hostile European neighbourhood and Tories in America. Neighbourhoods, for Paine, are essential to the ability of men and their communities to know the world. Not only do neighbourhoods encourage the interest and concern of their members in all that is around them in the world, but the long continued relations of the

⁶⁰ Paine, ‘American Crisis III’, 74.

⁶¹ Paine, ‘American Crisis III’, 74.

⁶² Paine, ‘American Crisis III’, 74-5.

neighbourhood create the trust that allows knowledge to be pursued in partnerships between people.

IV. The Justice and Manners of Men and Nations

While the *Crisis Papers* focus was on the establishment of a ‘new world’ and a United States of America, Britain continued to play a significant role in Paine’s arguments. In *Common Sense* Paine took great care to explain the problems of the British system of government in order to highlight the necessity of independence in *Common Sense*. In the *Crisis Papers* he drew attention to Britain’s actions and attitude towards the rest of the world. The shift in focus marked the move in Paine’s thinking from the argument for separation to the argument about what America should and should not be, as a nation acting in the world. Britain is therefore used in many regards as a negative, against which to forge a new form of political community.

The actions of Britain were no different, for Paine, than those of a common murderer. Whether crimes are committed by king or common man, by compatriot or foreigner, by an individual or an army, at the root of things, there is no difference and there cannot be found any just cause why we should punish in one case and pardon in another.⁶³ We see clearly that for Paine, in a similar manner to Burke, it is with nations as it is with individuals.⁶⁴ There are, for Paine, ultimately no jurisdictional limits to where justice can reach, and we should not fall under the illusion of thinking that just because an act has been committed by a figure of power and authority, rather than a common man, or by a nation or army rather than an individual man, that these acts should be considered differently.⁶⁵ So while the world may be best organised into a number of different nations, to govern the different societies of men, it is essential to Paine’s understanding of the world that this did not alter the nature of politics, or create a realm in which the rules of justice and morality are different from those governing individuals.

Paine clearly identified and rejected the distinction that was increasingly being made between relations inside and outside the limits of the state, between domestic and ‘international’ politics. For him, Britain had fallen in to the delusion that one set of rules existed domestically and

⁶³ Paine, ‘American Crisis I’, 55-6.

⁶⁴ E. Burke, ‘First Letter on a Regicide Peace’ [1796], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R.B. McDowell, (Oxford: Oxford University Press, 1991), 247.

⁶⁵ Paine, ‘American Crisis I’, 55-6.

another externally between nations. He highlighted his position by recounting a conversation he had with an advocate of the British cause, who, responding to Paine's remark that "God Almighty was visibly on [America's] side" argued that Britain was unconcerned by this, as long as they had enough of the devil on their side.⁶⁶ This demonstrated to Paine that Britain's position was that justice and morality were not important, or even simply not applicable to them, while they had the power to obtain their will. They had placed themselves as if they were ruler of the world and above the rules that apply to the rest. This view that the power to "bid defiance to the world" brought them liberty was false and only created resistance and enmity.⁶⁷ In short, for Paine, if ever a nation was "mad and foolish, blind to its own interest and bent on its own destruction, it is Britain."⁶⁸ There are such things he argues as "National sins;" acts are no less wrong because they are perpetrated by a nation. The only difference is that while punishment for individual sinners may be reserved for another world, punishment for national sins must always occur in this world. Nations, as artificial bodies, must be restrained and punished by the other nations and communities. Paine argued that all empires that had committed such sins had in the end met their reckoning, many sinking entirely. Paine, however, was not interested in the destruction of Britain, only wishing Britain be made to stop their sinful actions and show penance for those already committed.⁶⁹ Paine wished that Britain be restrained by the neighbourhood of nations and made to recognise its deviant behaviour, in order to better secure the relations and practice of the neighbourhood.

For Paine, Britain had not only acted badly, but also wasted great gifts and opportunities. Britain had been "blessed with all the commerce she could wish for, and furnished, by a vast extension of dominion, with the means of civilizing both the eastern and western world."⁷⁰ That Britain was extending round the world was not in itself a bad thing. If managed and conducted in the right way it was an opportunity to bring the blessing of liberty to their neighbours.⁷¹ Empire is not presented here as an inevitably oppressive and usurping rule, but rather as an opportunity to civilise a large part of the world through commerce, and the gentle civilising conduct of society premised on freedom, guarded by a constitution holding liberty as its core. The parallels with Burke's vision of empire here are clear, and indeed a similarity can be seen in the motives behind

⁶⁶ I have replaced Paine's original use of 'our side' with 'America's side' here for clarity. Paine, 'American Crisis II', 66.

⁶⁷ Paine, 'Common Sense', 20.

⁶⁸ Paine, 'American Crisis II', 66.

⁶⁹ Paine, 'American Crisis II', 66.

⁷⁰ Paine, 'American Crisis II', 66.

⁷¹ Paine, 'Dialogue Between General Wolfe and General Gage in a Wood Near Boston', 49.

Burke ideas of empire and those which moved Paine to argue for a continental form of government. Both took the view that there was a need to find a way to incorporate distance into understanding the relations and operations of political communities.

Rather than doing this service for mankind, and acting as a good neighbour, Britain used her commerce and domains to “proudly to idolize her own “thunder,” and rip up the bowels of whole countries for what she could get: Like Alexander, she has made war her sport, and inflicted misery for prodigality’s sake.”⁷² This was the practical demonstration that while Britain had in many areas developed and progressed greatly, at bottom it was an absolutist monarchy with designs on the world as its property. War and desolation were the “trade of the old world,” but as commerce and not war is what made Europe rich, Paine argued, it was “the spirit of duelling, extended on a national scale,” that was the proper character of European wars. Wars fought for nothing more than pride and fame.⁷³ Far from bringing the blessings of liberty to one’s neighbours, all those in close relation with Britain and other European nations experienced, was subjugation and humiliation. For Paine, what Britain failed to apprehend was that by helping to create and perpetuate a neighbourhood in which all others were fearful for their liberty and lives, they only succeeded in damaging the basis on which their own liberty rested.

A conception of the how the world was ordered and operated had become established in Europe that separated the internal politics from those outside and between states creating unnatural divisions between men. America, Paine argued, did not share this view of the world. The disjuncture between these differing views of the world was evident in *Crisis Paper IV*, a response to a manifesto written by the British commissioners sent over in 1778 which was published after the commissioners were sent home, unsuccessful.⁷⁴ The commission had come to grant America everything they had asked for except independence; the reply of Congress was clear, they would only accept “such terms of peace as may consist with the honour of independent nations.”⁷⁵ The manifesto was an appeal to the American people to accept the commissioners’ terms, the arguments and sentiments of which were for Paine inaccurate, misguided and disdainful.⁷⁶ In particular he took exception to the offer made to Colonial soldiers to fight for the “rightful

⁷² Paine, ‘American Crisis II’, 66.

⁷³ Paine, ‘American Crisis III’, 81-2.

⁷⁴ Foner, ‘Introduction’ to, Paine, ‘American Crisis VI’, *Complete Writings I*, 130.

⁷⁵ Foner, ‘Introduction’ to, Paine, ‘American Crisis VI’, *Complete Writings I*, 130.

⁷⁶ Paine, ‘American Crisis VI’ [20 October 1778], *Complete Writings I*, 131. In referring to the claimed “benevolence of Britain,” Paine comments that “you have already equalled and in many cases excelled, the savages of either indies; and if you have yet a cruelty in store you must have imported it, unmixed with every human material, from the original warehouse of hell.”

sovereign” in the “battles of the united British Empire against our late mutual and natural enemy,” meaning France, with whom America had recently signed a treaty to support her fight against the British.⁷⁷ The suggestion that America, submit to a king who had shown them only cruelty, to make war against a people who had shown them only friendship was, for Paine, not only ridiculous, but the height of rudeness. He asked “What sort of Christians must you suppose the Americans to be?”⁷⁸ America, had seen all of their attempts at peaceful reconciliation rejected; they have had an undeclared war let loose on them; they have separated and disavowed all government connected with Britain; and they have solicited friendship and entered alliances with other nations.⁷⁹ Given all of this, Paine argued, what sort of people would Americans be if they broke these obligations and complied with Britain’s horrid and infernal proposal.

In answering his own question, Paine said that such actions would cause them to be “blotted from the society of mankind, and become a spectacle of misery to mankind.”⁸⁰ Such behaviour was the very opposite of how neighbours at any scale should act. Such deceitful conduct was precisely why it was so important to separate from Britain, to avoid these bad manners becoming established among Americans. There was, for Paine, no question that America would comply with such suggestions. That Britain seriously considered that America might comply indicated the deep-seated nature of the corruption within Britain, because in looking abroad they could only conceive that other nations saw the world in the self-interested way they did.

Paine argued that the suggestion made by the commissioners that there was such a thing as a natural enemy was simply false, as such a principle does not exist in nature.⁸¹ Further, when applied to beings of the same species it was unmeaning barbarism and wholly unphilosophical. The only idea of a natural enemy we have is that of the devil, as this enmity is perpetual, and allows neither true peace nor treaty, and so warfare is eternal.⁸² This same opposition cannot, however, exist between men, as their quarrels are always “accidental and equivocally created”. If two nations are natural enemies then all nations must be, but if not, then it was custom and not nature that made a nation an enemy. The only reason to talk of natural enemies, Paine argues, was so that the real cause of the quarrel can remain hidden as “men start at the notion of a

⁷⁷ Paine, ‘American Crisis VI’, 134.

⁷⁸ Paine, ‘American Crisis VI’, 135.

⁷⁹ Paine, ‘American Crisis VI’, 135.

⁸⁰ Paine, ‘American Crisis VI’, 135.

⁸¹ Paine directly addressed his argument against the notion of natural enemies to Adam Ferguson, who was the secretary to the peace commission.

⁸² Paine, ‘American Crisis VI’, 136.

natural enemy, and ask no other question.”⁸³ The opposition of enmity does not arise between nations which have no contact or relations; rather it arises, like inequality, due to some subsequent circumstance and is the result of human action or fortune. This means that the opposition of enmity is always under human control, and is a position taken towards one’s neighbour. The idea of natural enemies among nature is as ridiculous as natural enemies among individuals.

America, Paine argued, had realised they were part of a large world, and so extended their ideas beyond the limits and prejudices of an island.⁸⁴ By extending their neighbourhood not just over the vast lands of the American continent, but across the world, to those other nations in whose company they exist, Paine argued, they held “out the right hand of friendship to all the universe.”⁸⁵ France, he argued, had shown great sociality in manners to America, which made them more disposed to negotiate with her. Britain, on the other hand, simply resorted to language designed to scare and impress, but that simply showed a savageness of manners, and had the effect of keeping national animosities alive.⁸⁶ This behaviour was as unacceptable between nations as it was between individuals in good society, and that just as in good society where a person’s good manners can carry them far, so too good manners and sociability will bring nations the respect and trust of men and other nations. It was the aspiration to good neighbourhood relations that Paine not only wanted to establish in American society, but also in the character of the American nation, when interacting with the rest of the world.

V. The Spirit and Principle of Liberty

The war was still in the balance when Paine wrote *Crisis Paper V*, where he focused on holding together the Continental Army in the face of internal divisions. He produced the paper to remind Americans of their common enemy and to reinforce the necessity of establishing their own government. He also wanted to remind them of what they had achieved since they first repulsed the British. They had “given birth to a new world, and erected a monument to the folly of the old.”⁸⁷ While the battle was not yet complete they should take account of what had already

⁸³ Paine, ‘American Crisis VI’, 136.

⁸⁴ Paine, ‘American Crisis VI’, 137.

⁸⁵ Paine, ‘American Crisis VI’, 136.

⁸⁶ Paine, ‘American Crisis VI’, 137.

⁸⁷ Paine, ‘American Crisis V: To The Inhabitants of America’ [21 March 1778], *Complete Writings I*, 123.

been achieved by their efforts. Much was made of the wisdom, civil government and honour of the Greeks and Romans, but for Paine, mankind has come to little purpose if they must go back two or three thousand years for lessons and examples. The American people did themselves a great injustice if they did not place what had already been achieved in America, as superior to Greek and Roman wisdom and example. For Paine, America had “surmounted a greater variety and combination of difficulties”⁸⁸ than had ever been faced by one people before, and in doing so had produced more useful knowledge than any age. While the Greeks and the Romans possessed the spirit of liberty, they did not develop a strong principle of liberty to accompany it. While they were determined to not be slaves themselves, they used the power that this gave them to enslave the rest of mankind. The real achievement of America was that it not only possessed the spirit, but also the principle of liberty. The universal nature of the difficulties that Americans faced meant they had determined not just that they should not be slaves, but that all of mankind must be free from slavery and subjection. For Paine, the spirit and principle of liberty, which was at the heart of his understanding of the new world, was universal. This was a principle that must spread and diffuse through every part of America – it was at the heart of the constitution of the people and should be a founding principle of any constitution of government. This was a principle that not only enshrines liberty within the state, but insists it must also be practiced outwards. Liberty can only be enshrined in a state, by reference and connections beyond it, as limiting it within the state commits the same error that was found in the Greeks and Romans, of possessing the spirit, but not the sufficient principle of liberty.

Men, for Paine, cannot exist in isolation. They are social creatures because they have part of themselves in all those around them. This does not extend merely to those immediate few around us, or even to the local communities or nations in which we live. It extends to all those who, through the chain of connections, we have some influence on and who have influence on us. This is the society in which we exist, and it is the close and solid connections of neighbourhood that give us our understanding of this society. What Paine’s argument on liberty shows is that for him, liberty is not an individual thing, it is something established communally through society. It is only through extending, not only our ideas, but also our principles, actions, support and commitment to liberty to our neighbourhood that we can hope to truly experience it.

⁸⁸ Paine, ‘American Crisis V: To The Inhabitants of America’, 123.

A way to view Paine's argument is to think of the world of political communities as analogous to a local neighbourhood and liberty analogous to the principles of fire prevention. While you may fully grasp the ideas of fire prevention and put them into practice in your household, if these principles are not shared with your neighbours, and no attempt is made to prevent and help put out the fires in your neighbour's house, a greater risk of fire to your own house still remains. The risk is made all the greater if feeling secure in the safety of your own house, you seek to use the opportunity of your neighbours' distress to steal or extort from them for your own gain, because in focusing on the profit that can be made, you fail to keep a safe watch on your house, as it too catches fire.⁸⁹ For Paine part of who we are as individuals and nations, rests in those other members of our neighbourhood and so a threat to them is always to some extent a threat also to us.

While the spirit of liberty permeated throughout American politics, for Paine, the spirit of corruption was woven into British politics.⁹⁰ In Britain, government had taught people that corruption was the normal way of practising politics and conducting their lives. Like the man attached to a prostitute in *Common Sense*, Britain had reached a point where it was no longer able to recognise liberty, true interest and advantage.⁹¹ It had, he argued, no real conception of why a person may submit, even to the most temporary inconvenience, due to an attachment to rights and privileges, as its plans were calculated by the hour, for the hour, and sought only immediate personal gratification. Americans on the other hand, had and continued to endure extreme and prolonged inconvenience, with only their principles to support them and the dream of peace and happiness, not just for themselves, but for others and posterity.

As Paine emphasised in closing *Common Sense*, Britain would lose nothing by an independent America except pride. If an English merchant received an order and is paid, it makes no difference to him who governs the country.⁹² War is seldom worth the cost of waging it and for a trading nation like Britain to go war, Paine argues, is akin to a shopkeeper setting a bulldog on a customer at the shop door.⁹³ It was simply not in its interest, or at least the interest of the British people, which was what Paine thought truly constituted Britain.⁹⁴ The question this raised was

⁸⁹ This example is constructed to highlight the similarities with Burke here, see: Burke, 'First Letter on a Regicide Peace', 250.

⁹⁰ Paine, 'American Crisis V: To The Inhabitants of America', 124.

⁹¹ Paine 'Common Sense', 9.

⁹² Paine, 'American Crisis II', 72.

⁹³ Paine, 'American Crisis VII' [21 November 1778], *Complete Writings*, 145.

⁹⁴ Paine, 'American Crisis VII', 146.

why, in spite of what Paine argued was clearly in its national interest, Britain continued to aim at the government of America, and in doing so had become “bent of the ruin of a young unoffending country.”⁹⁵ The source of this conduct, which he described as a compound of rage and lunacy, was a mistaken idea of national honour. For his own part Paine stressed that although he resided in America, his arguments were not those of a person attached to a particular nation, but rather those of a person whose “attachment is to all the world, and not to a particular part.”⁹⁶ It is following this that Paine makes one of the clearest articulations of his thinking about politics, and the way he thinks it needs to progress in the future. It is here that we also see a world view that simply never came to be accepted.

“There is such an idea existing in the world, as that of *national honour*, and this, falsely understood, is oftentimes the cause of war. In a Christian and philosophical sense, mankind seem to have stood still at individual civilization, and to retain as nations all the original rudeness of nature. Peace by treaty is only a cessation of violence for a reformation of sentiment. It is a substitute for a principle that is wanting and ever will be wanting till the idea of *national honour* be rightly understood. As individuals we profess ourselves Christians, but as nations we are heathens, Romans, and what not. I remember the late admiral Saunders declaring in the house of commons, and that in the time of peace, “That the city of Madrid laid in ashes was not a sufficient atonement for the Spaniards taking off the rudder of an English sloop of war.” I do not ask whether this is Christianity or morality, I ask whether it is decency? whether it is proper language for a nation to use? In private life we call it by the plain name of bullying, and the elevation of rank cannot alter its character. It is, I think, exceedingly easy to define what ought to be understood by national honour; for that which is the best character for an individual is the best character for a nation; and wherever the latter exceeds or falls beneath the former, there is a departure from the line of true greatness.”⁹⁷

National honour when falsely understood and acted upon is very often the cause of war. For Paine the false idea of national honour was premised not on honour, but on self-love. This is seen when he moves on to say that mankind has stood still at individual civilisation, and that nations retain all the original rudeness of nature. This is an allusion to the Hobbesian ideas of the

⁹⁵ Paine, ‘American Crisis V: To General Sir William Howe’ [21 March 1778], *Complete Writings I*, 117.

⁹⁶ Paine, ‘American Crisis VII’, 146.

⁹⁷ Paine, ‘American Crisis VII’, 146-7.

state of nature.⁹⁸ Instead of trying to understand the relations beyond our state and the connections and obligations that came with being in a neighbourhood of nations, the image of a state of nature, which for Paine can only ever be hypothetical, is placed on the relations between states, so as to cast these questions out of mind. Paine shows awareness of the Hobbesian assessment of relations between states, and rejects it when arguing that peace by treaty is only a cessation of violence. Further, we cannot, according to Paine, simply transpose ideas of the internal state on to external state relations; this is not the inevitable consequence of nations, but rather the result of holding one set of values and identity as individuals and another set as nations. This was a Janus-faced idea of the state, but one of hypocrisy and not natural or analytical distinction. His example of Admiral Saunders highlighted that he was not advocating that the ethical and moral standards developed and held within states should simply be transposed and applied to nations. Paine was not advocating a domestic analogy,⁹⁹ as this would imply that there were separate realms.

As individuals, he says, we profess ourselves Christian, but we assume another identity when considering ourselves as nations, which we claim allows us behave in a way wholly inconsistent with the Christian self. He does not ask whether Admiral Saunders' proposal was Christian or Moral, because that would engage with a proposal that is simply indecent. Whether or not the ideas, concern and argument behind the statement were justified, the language used was not proper for a nation because it was not proper for any person. He calls it bullying because he wanted to highlight that this is socially unacceptable behaviour, and as such is not necessarily judged and dealt with through the letter of the law, but through the rule and condemnation of the neighbourhood. Paine always maintained that society was able to govern itself in all but a few cases and this applies as much to men acting on a large scale, as it does small scale. Just as no distinction should be drawn between crimes committed by kings or common men, armies or individuals,¹⁰⁰ so no distinction should be drawn between the decency of behaviour expected. If we are Christian and treat our neighbours as we would be treated, this can have no boundaries, it can have no exceptions. When Paine says that it is easy to define what national honour ought to

⁹⁸ Whether or not Paine was directly addressing Hobbes, we cannot be sure, but these arguments were a common part of intellectual discussions at this time. See: Keane, *Tom Paine*, 298; C. Nelson, *Thomas Paine: Enlightenment, Revolution and the Birth of Modern Nations*, (New York: Viking Penguin, 2006), 31, 68-9.

⁹⁹ H. Suganami, *The Domestic Analogy and World Order Proposals*, (Cambridge: Cambridge University Press, 1989), 1. "The 'domestic analogy' is presumptive reasoning which holds that there are certain similarities between domestic and international phenomena; that, in particular, the conditions of order within states are similar to those of order between them; and that therefore those institutions which sustain order domestically should be reproduced at the international level."

¹⁰⁰ Paine, 'American Crisis I', 55-6.

be, because what is the best character of individuals is the best character of nations, he makes clear that in order for the best character to exist in one it must also exist in the other. While we may profess to be Christians as individuals in our private lives, if we act as heathens as nations we must also be heathens as individuals. It is not that the character of individuals should be transposed on to nations or even the other way round. For Paine they are inextricably linked, and politics must take account of all areas of man's life. To argue and allow nations to act in a manner different from individuals is simply to push the flaws of men to a different area, rather than addressing them as flaws and issues which need attention. While they continue to exist unattended to, they remain a problem for men, in all parts of their lives.

This idea of national honour properly understood is seen in the idea of neighbourhood: that people are a part of nation as members of a national neighbourhood and so its constitution and appearance reflects them. In this sense men should take pride in the prosperity of their nation. But the other aspect is that as part of the nation they are also part of the neighbourhood of nations and the conduct of their nation in relations to other nations, communities and individuals is also something that they should have concern with and hopefully feel pride in. National honour was evident in Paine's pride in the achievements of the American cause of independence, in developing and acting upon both the spirit and principle of liberty. Just as it is necessary for a nation to have both the spirit of liberty and the principle, so it is the case with an individual. It is one thing to have the idea of what it is to be a free man, but it is another to have the principle and fortitude, to put this into practice. Just as it was not easy to be a good citizen and patriot in throwing off the tyranny of Britain, sacrifice was still needed to maintain liberty in America. To maintain this liberty as a newly formed nation meant, not only maintaining the spirit and principle of liberty within America, but also practicing it as a nation, in all their relations. Paine realised that while "The times that tried men's souls" were over, their souls were to be tried all over again as a nation, in a hostile world of insecure nations and a divided mankind.¹⁰¹ How they reacted to this new challenge, would truly test whether Paine's vision of a new world and a new politics could gain a foothold in their age.

¹⁰¹ Paine, 'American Crisis XIII' [19 April 1783], *Complete Writings I*, 230.

Conclusion

At the heart of Paine's arguments in his *Crisis Papers* was a concern for how people conduct themselves. In *Common Sense* he had exposed the corrupt system of government and subverted societal hierarchy in Europe that taught men to view the world and conduct their lives contrary to their own good experience. But once the falsity and abuses of the European system had been laid bare, Paine's concern was with those people who clung to these prejudices and acted in a self-interested manner. These men, who he labelled Tories, were the biggest threat to Paine's vision of establishing a new mode of politics in America. First, by undermining the support of the Colonial forces they prolonged and made more difficult the military conflict. Secondly, and for Paine more seriously, the attachment of Tories to their own self-aggrandizement, meant they were prepared to sacrifice their neighbour for some immediate enjoyment. For Paine, such actions may bring some temporary success for an individual, but this comes at the expense of the community as a whole and so ultimately such conduct goes against a person's own interests, as the community is constitutive of their being. He strived to make clear to the American public that they were equal members of the new American political community and neighbourhood and so intimately connected to the success and prosperity of one another. This argument was not limited to men acting individually, but also in combination as communities. The best actions and conduct of individuals were also the best actions and conduct of nations. In this we see Paine's principles for how to both understand and act at the scale of 'international' politics.

The world, Paine argued, should not be sacrificed to the folly and baseness of Tories. It was against the image of Tories that Paine set out the conduct necessary to establish an independent America that placed liberty at its heart. While Paine wrote to inspire each person to consider their own position, at the root of his argument was the idea that this conduct embraced and made central the societal nature of man, and the interests and concerns found in men's various neighbourhoods. To be American was not to have an investment in the prosperity of the nation at the expense of others, but to attend to advantage gained through their relations with their neighbours. It was vital to make this central, not only to the conduct of government within America, but also the behaviour of America outside, when engaging with other individuals, communities and nations. This was the continuation of Paine's message from *Common Sense* that America's plan for engaging with the world was commerce. They would deal with other nations, in the same way that they deal with one another, through the trade in the necessities of life.

What Paine tried to communicate to his reader, from the very first words in his *Crisis I*, was that the cost of gaining their independence and liberty would be high. It would be a difficult struggle, but the difficulty reflected the importance and value of liberty. It was a struggle that was no less important or challenging once liberty had been achieved. Key, for Paine, to a strong functioning society and government in which liberty remained central, was that people paid attention to politics and the world around them. Men, Paine emphasised, without knowledge of where they have been will have no idea of where to go, of what is right or wrong in the world. Central to Paine's theory of knowledge are the neighbourhood aspects of his thought. He makes clear the importance and symbiosis of man's individual and communal self, as we are only able to be sure of anything through our own experience, and yet we can be sure of nothing without others around us to affirm what it is we discover. Paine's opposition to custom is not an opposition to the knowledge and experience passed down to us, but to its unthinking acceptance, as without our own engagement, this is not knowledge at all, but simply the animating voice of some controlling power. By engaging our own experience with that of others around us and before us, we are able to establish a better understanding of both our own experience and that which comes from others. It was in large part, a lack of understanding of what other nations and people were doing that led to much of the uncertainty and opposition within the international neighbourhood, a problem he was to tackle in *Rights of Man*.

Paine believed that everything in the world could be understood, but that such understandings may not be immediately apparent. We should be humble enough, he argues, to admit that we do not know now and that we may never know. But by taking the care and attention to collect the knowledge that helps to establish an understanding of the world and also of ourselves, we can be content that we have done our duty to future generations and not sacrificed the world to the "impatience of our tempers" or the "pressing necessity of some instant things."¹⁰² Paine's advice was the same for nations. They needed to be more patient in regards of relations and the interests that they pursue and put an end to the temporary and partial agreements and relations which only ever address the short term problems of the international neighbourhood.

It is just such a sacrifice of the world for apparent necessities that Britain had engaged in. Their prosperity, brought about by their advancements in the cause of liberty, had brought them much wealth, but also an inflated sense of their own place and power. Their view that their power took

¹⁰² Paine, 'American Crisis III', 74.

them above questions of morality highlighted, for Paine, just how mad and foolish they had become. Having advanced the furthest with the spirit of liberty, they had wasted the gifts and opportunities to civilise both the western and eastern world, choosing instead to idolise their own thunder. This highlighted the dangers of the old prejudices and corrupt systems mixing with the advancements of enlightened men. While such advancements brought great potential, there was no guarantee of how they would be implemented. It was for this reason that Paine, had been so clear and adamant in his early writings and continued to stress the importance of conduct and character in the American people. Britain, preoccupied with ideas of conquest and war, perceived its European rivals as natural enemies and attempted to draw America into this deception. Paine's response was not just to dismiss the existence of such a notion of natural enemies as impossible. He also argued that for America to turn its back on France, which had been nothing but friendly and supportive, was the height of rudeness. Far from engaging in such wars, America should be extending the principles of neighbourhood on which it was founded, beyond its boundaries and holding out the right hand of friendship to the world.

The logic of Paine's neighbourhood ideas becomes most evident in his argument regarding liberty. By adding to the spirit of liberty, a principle of liberty that insisted on the extension of liberty to all men based on the original equality of mankind, America for Paine stepped beyond all other civilisations. Americans not only established the practice of liberty among themselves, but by extending it to the rest of the world they also secured their liberty. For Paine this was the realisation of his neighbourhood understanding of man as a social being, and his understanding that the relations of society and politics extended beyond the boundaries of states, to all scales of human action. By doing this America had taken great steps towards creating a government that achieved the ends for which government was a necessary evil. This was an achievement which could be the real source of national honour. However, he highlighted, the idea of national honour had been falsely understood to stimulate pride in the power and prosperity of individual nations in relation to the other nations around them.

Paine's discussion of national honour makes clear that in his view of the world and human relations there is no distinction between the conduct of individuals and nations. The study and practice of politics needs to take account of both the internal and external aspects of political communities. In particular, nations should not be thought of as isolated individual beings, but as beings, whose very construction is inextricably linked to their relations with other nations and groups of people. For Paine, nations exist in various neighbourhoods, and these come with

associated rights and duties created by the relations of the nations and people in them. One of the great insights that comes with realising these neighbourhood relations is that questions of decency and rudeness become important aspects of regulating conduct. Paine in his *Crisis Papers* collapsed the distinction between individuals and nations, and between domestic and international politics. For Paine, the view that was to become established in European thought at this time, that politics properly conceived should deal with the internal problems of the state,¹⁰³ was a very dangerous turn, as it took many of the advancements in the understanding of man, and tethered them to old conceptions of nation and state, in an attempt to perpetuate the hegemonic position of power elites.

¹⁰³ F.H. Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of Relations Between States*, (Cambridge: Cambridge University Press, 1963), 82.

Chapter 9

Rights of Man and the Regeneration of the European Neighbourhood

Introduction

For Paine, the French Revolution was the continuation of a revolutionary movement started in America. He saw it as an opportunity to engage people in Britain and Europe who were excluded from politics and power in the debates over the proper constitution of society and government, the origin of rights and the nature of people's relations with one another. This chapter sets out and explores the arguments that Paine made to bring the ideas of the American Revolution into the heart of Europe in an attempt to regenerate the European neighbourhood. In replying to Burke's *Reflections on the Revolution in France*, Paine found an opportunity to make his arguments about the hostile neighbourhood of Europe directly to a European audience. The French Revolution gave Paine new optimism that the entrenched prejudice and custom of the hereditary monarchical system could be exposed. The belief behind *Rights of Man* was that if people were empowered through knowledge and understanding of the world, they would be capable of casting aside the corrupted relations of men and nations and forming new friendly neighbourly relations, based on their own opinions and experience. In *Rights of Man* Paine produced the most systematic and coherent account of his political thought, making clear that politics at all scales operated in the same way, and that the task of politicians and political thinkers was to facilitate the communication of men and communities.

This chapter describes and analyses Paine's arguments in *Rights of Man* and how his ideas of neighbourhood are central to his political theory and his hopes for a new, regenerated Europe in which war and violence could be set aside as a means of settling the differences in the neighbourhood of nations.

- I. Sets out the intellectual and historical context in which Paine was prompted to engage with the French Revolution and produce one of the most radical attacks on the British system of government.
- II. Examines Paine's purpose in writing *Rights of Man*, setting out the problems with the old system of government and how, by following America's lead, a new kind of politics could be established.
- III. Sets out Paine's theory of society and how this understanding is at the centre of his neighbourhood thought.
- IV. Examines Paine's theory of rights.
- V. Examines Paine's theory of constitution, and the role constitutions play in building understanding and cooperation between peoples.
- VI. Sets out the role of Paine's neighbourhood ideas in his argument for the creation of republican government, and examines why it is vital for political communities to be formed and understood based on a cosmopolitan view of politics and the world.

I. Context

Paine returned to Europe in 1787 not from political motives or due to a sense of another coming revolution, but to promote his design for an iron bridge.¹ When Paine arrived in France on 6th May, France was in deep financial crisis and the events that would lead to the Revolution were underway. Paine no doubt gained a sense of the growing crisis from his discussion with political figures and philosophers at this time.² While Paine's designs were met with some acclaim from the *Académie des Sciences*, they were not as ground breaking as he thought and the growing crisis in France meant funding was difficult to find. It was at this point that Paine decided to return to England for the first time in nearly thirteen years. In England he had a little more successes finding backers to build model bridges, although ultimately his design met with the cold judgement of silence.³ During this time Paine formed a number of prominent acquaintances on both sides of the English Channel. In France, he met up with Jefferson, who was then American

¹ Paine had originally designed his iron bridge to cross the Harlem or Schuylkill rivers, but due to funding difficulties and a preference for timber bridges, Paine came to the conclusion that his designs would fare better in Europe. He set off from New York for a second time across the Atlantic carrying letters of recommendation from Benjamin Franklin which once again opened doors for Paine upon his arrival. See: J. Keane, *Tom Paine: A Political Life*, (Boston, MA: Little, Brown and Company, 1995), 267-74.

² R.R. Fennessy, *Burke, Paine and the Rights of Man: A Difference in Political Opinion*, (The Hague: Martinus Nijhoff, 1963), 40.

³ Keane, *Tom Paine*, 271-82.

Minister in Paris, became reacquainted with Lafayette, and also closely associated with men like, Mirabeau, Brissot, Sieyès and Condorcet. In England, Paine formed a firm friendship with Edmund Burke and became acquainted with a number of prominent political figures, such as the Duke of Portland, Lord Fitzwilliam, Charles Fox and other prominent Whigs. Paine used and developed these connections after John Adams was recalled in February 1788, suggesting in a letter to Jefferson that he could act as an unofficial American representative in London.⁴ While Paine cultivated these connections, he was not keen for the United States to be too friendly with what he regarded as a corrupt tyranny, commenting to Jefferson that he found “the opposition as much warped in some respects as to Continental politics as the Ministry.”⁵

While Paine was primarily focused on his bridge between 1787 and 1790, it is clear that throughout this period he was playing close attention to the events going on in France and the state of the political system in Britain. Indeed, Paine may have been sketching out many of the ideas that formed the basis for *Rights of Man* from the time he first returned to Europe.⁶ His reaction to the French Revolution was one of excitement and hope, not only for France, but also for Britain, which he thought, with revolution in the air, might take the opportunity to reform its corrupt political system. Writing to Burke in August 1788, he expressed the view he was to repeat in the English preface to *Rights of Man*, that some mode other than destruction and war needed to be found, to settle the differences that arise in the neighbourhood of nations. He warned Burke that if Britain could not reform and alter its way of relating with Europe that they would be better making no connections at all.⁷ Writing to Thomas Walker in February 1789, he argued that Britain was divided into two orders of people “Peers,” who held the power and “Commoners,” who had no control and he argued that Britain needed a “National Convention elected for the express purpose” of reforming and fixing a constitution for the nation.⁸ While there was support for reform in Britain, even in the Society for Constitutional Information, prominent members like Cartwright and Horne Tooke, retained a prejudice in favour of the British constitution.⁹ While in Paris from November 1789 to March 1790, Paine worked on an account of the French Revolution which he later adapted into *Rights of Man: Part First*. In January, unaware of Burke’s position, Paine wrote to him in glowing terms about how the National

⁴ Fennessy, *Burke, Paine and the Rights of Man*, 45.

⁵ T. Paine, ‘Letter To Thomas Jefferson’ [9 September 1788], *The Complete Writings of Thomas Paine: Volume II*, (ed.) P.S. Foner, (New York: Citadel Press, 1945), 1270.

⁶ Keane, *Tom Paine*, 282, 285.

⁷ T. Paine, *Letter From Thomas Paine to Edmund Burke* [7 August 1788], Colonel Richard Gimbel Collection of Thomas Paine Papers, American Philosophical Society, Philadelphia.

⁸ T. Paine, ‘Letter To Thomas Walker, ESQR’ [26 February 1789], *Complete Writings II*, 1278-81.

⁹ Fennessy, *Burke, Paine and the Rights of Man*, 45.

Assembly had succeeded in a “total Change of Government,” that they were now in “compleat and undisputed possession of Sovereignty” and that “the Revolution in France is certainly a Forerunner of other Revolutions in Europe.”¹⁰

By February Burke’s publisher was advertising *Reflections on the Revolution in France*, and upon hearing that it was likely to be hostile to the Revolution, Paine vowed to adapt his manuscript into a response to Burke.¹¹ It is important to note, as Keane highlights, that despite Paine’s stated opposition to *Reflections*, he found large parts of Burke’s arguments compelling, and recognised some of his own worries about the effect that the extremes of revolutions can have on the actions of men.¹² But the main substance and argument of *Reflections* were, for Paine, an abhorrent defence of a corrupt monarchical system of government and an attack on republican government and the rights of man, with the people referred to as the “swinish multitude.” *Reflections* was a book written for the political “Peer” class and Paine endeavoured to produce a work that would speak to the “Commoners,” to engage the people in these crucial debates of politics.¹³ Paine was convinced that what had occurred in America was a new stage of political arrangement that proved the superiority of republican government and his intention was to bring all of this wisdom and experience to Europe. Paine finished the first part of *Rights of Man* on 29th January 1791 and despite cold feet from his original publisher on the scheduled day of publication, it was published and the controversy ensued. The popularity of *Rights of Man* was extraordinary, and with the second part it sold between four and five hundred thousand copies, making it, Keane claims, “the most widely read book of all time, in any language.”¹⁴ It was in light of the this instant international success that Paine, returning to France, set to work on a follow up publication, *Kingship*, and helped start the *Société des Républicains* and launch its journal *Le Républicain*.¹⁵ In Britain the impact of Paine’s pamphlet resulted in attempts to defame Paine’s character, but perhaps having learnt a lesson in the Silas Deane affair, Paine kept his head down, worked on his manuscript and only made a few appearances in public to talk on the rights of

¹⁰ T. Paine, *Letter From Thomas Paine to Edmund Burke* [7 August 1788], 51-53.

¹¹ Keane, *Tom Paine*, 288; Keane also highlights that Paine had consumed several of the Whig Responses to *Reflections*, and no doubt Price’s Sermon if was not already acquainted with it.

¹² Keane, *Tom Paine*, 288.

¹³ For an excellent comment on Paine’s choice of language see: Keane, *Tom Paine*, 294-5.

¹⁴ Keane, *Tom Paine*, 307; Keane references: E. P Thompson, *The Making of the English working Class*, (Harmondsworth: Penguin, 1968).

¹⁵ Paine set up this society with:

Jacques Pierre Brissot de Warville—a Journalist, member of the Assembly and leading Girondist Party.

Étienne Clavière—who was to become the Minister of Finance with the Girondist Party.

Achille François du Châtelet—an aristocrat who had been part of the French contingent that fought in the American Revolution. He also became Paine’s main translator.

Marquis de Condorcet—prominent philosopher, aristocrat and member of the Assembly.

man. Paine, in this period, also came to the opinion that the maximum impact from his latest work would be achieved by making it the second part of *Rights of Man*. In February 1792, despite his publisher once again experiencing cold feet, Paine published *Rights of Man Part Second*, which was his attempt to lay out in his political and social arguments systematically.¹⁶

II. The Cause of all Mankind: Bringing the Revolution of Neighbourhood to Europe

Central to Paine's arguments about America was the idea that its cause was in great measure the cause of all mankind. This idea was carried into *Rights of Man* in two key senses: first, the cause of the French people was identical with that of the other peoples of Europe and with the interests of the entire world.¹⁷ The issues of France raised fundamental questions relating to the equality of all mankind and the formation of political and social orders. Second, the American people had succeeded for Paine in establishing a union at the heart of which was both the spirit and principle of liberty. By offering their neighbourly concern and providing their system of government as an example to the rest of the world, America was helping to shine the light of reason on to Europe, exposing the underlying prejudice at the heart of Europe's social and political system. Paine did not feel he was coming with abstract ideas about liberty, but was extending the newly implemented political system of America.

As Paine had established in his American writings and now made clear to his European audience, the origins of the hostile European neighbourhood and the prejudices which perpetuated it lay in the usurpation of power and authority through force and deception, which had "parcelled out the world and divided into dominions."¹⁸ A small number of men had become rich and powerful through creating the situation in which Europe was "too thickly planted with kingdoms to be long at peace."¹⁹ War and conflict was the default position of Europe, perpetuated by the descendants – both directly and in spirit - of the original robbers who continued to make a living by keeping up the quarrels between nations. The existence of these men was shocking, but not unexpected for Paine, as the confusion into which mankind was thrown creates opportunities for men to deceive and be deceived. It was, though, unpardonable that in an age that had

¹⁶ G. Kates, 'From Liberalism to Radicalism: Tom Paine's Rights of Man', *Journal of the History of Ideas*, 50/4, (1989), 569-87.

¹⁷ T. Paine, 'Rights of Man: Part First' [1791], *The Complete Writings of Thomas Paine: Volume I*, (ed.) P.S. Foner (New York: Citadel Press, 1945), 247.

¹⁸ Paine, 'Rights of Man: Part Second' [1792], *Complete Writings I*, 362.

¹⁹ Paine, 'Common Sense' [January 1776], *Complete Writings I*, 21.

pretensions to Enlightenment and laid claim to liberty, that those concerned with government made it “their study to sow discord, and cultivate prejudices between nations.”²⁰ The usurpation of power and authority from and over the peoples of Europe had become institutionalised in the governments of Europe, perpetuating the hostility and insecurity of the neighbourhood in which men and their nations exist.

“So deeply rooted were all the governments of the old world, and so effectually had tyranny and the antiquity of habit established itself over the mind, that no beginning could be made in Asia, Africa, or Europe, to reform the political condition of man. Freedom had been hunted round the Globe; reason was considered as rebellion; and the slavery of fear had made men afraid to think.”²¹

That men were prejudiced towards this corrupt system of government in Europe was understandable. It was taught to them from birth and was contained in all of the customs and habits of society. The opposition of Burke’s and Paine’s positions is evident: what Paine attacks as institutionalised prejudice, Burke defends as the established habits, customs and manners of the neighbourhood of Europe. Paine’s argument that the prejudices of the European neighbourhood were so entrenched that it was necessary to go outside of the European political and societal system to change them, was also how Burke perceived the Revolution. Both Burke and Paine saw the neighbourhood as operating in a similar way, but differed in their assessment of prejudice. Paine’s argument was that the prejudice of Europe was mistaken and that while men continued to follow it because they thought it was right, once reason and reflection was applied they would know it was wrong and their attachment would cease.²² Prejudice, for Paine, is men not thinking for themselves and instead being animated by the voice of another, and should not be considered opinion or knowledge, as these only come about through reason and reflection.²³ Burke did not share this view, as while no customs and habits can ever be perfect, Paine’s view that they had not been subject to the test of reason and reflection could not hold. For Burke, what made prejudice so valuable was that it had been subject to six or seven centuries of reason and reflection and not the six or seven days Paine and the Revolutionaries had spent.²⁴ Despite this apparent opposition, both Burke and Paine can be seen to share the view that the

²⁰ Paine, ‘Rights of Man: Part First’, 246.

²¹ Paine, ‘Rights of Man: Part Second’, 354.

²² Paine, ‘Rights of Man: Part Second’, 352-3.

²³ Paine, ‘Rights of Man: Part Second’, 352-3.

²⁴ E. Burke, ‘Fourth Letter on a Regicide’ [1795], *Writings and Speeches of Edmund Burke: Volume IX I: The Revolutionary War II: Ireland*, (ed.) R.B. McDowell, (Oxford: Oxford University Press, 1991), 82.

ideas of neighbourhood needed to be better incorporated into European government. In Burke, this was seen in his call for Europe, and Britain in particular, to pay attention to the neighbourhood community in which they lived and protect the common foundations of European society. In Paine, this was seen in his call for France to follow the lead of America in bringing about a “revolution in the practice and principles of government”²⁵ that, in looking beyond its own immediate advantage, secured liberty for itself by helping to secure it for others around them.

Paine hoped that he “had seen enough of the miseries of war to wish it might never more have existence in the world, and that some other mode might be found out to settle the differences that should occasionally arise in the neighbourhood of nations.”²⁶ It is the hope that rid of the prejudices and misconceptions that had gripped the world for so long, other means of resolving disputes might be found, that motivates all of Paine’s arguments and writings. He believed this was not only possible, but achievable if only “the courts were disposed to set honestly about it, or if countries were enlightened enough not to be made dupes of courts.”²⁷ The unthinking acceptance of European prejudices and customs of government had made war the mode of settling the differences in the European neighbourhood of nations. These prejudices had led people to go against their own good experience of uniting at all scales over their common interests with their neighbours and taught them to view common interests as points of competition and their neighbours consequently as existential threats.²⁸ America had shown an alternative mode was possible. Americans had been taught the English prejudice that France was an enemy, but had chosen to trust their own experience, and discovered the prejudices to be false.

Addressing the French nation, Paine argued that it was the governments of the various European nations and not the nations themselves that were threatening their revolutionary ideas and hopes. The nations of Europe, far from opposing the ideas of the Revolution, considered the “cause of the French people as identical with the cause of its own people, or rather embracing the interests of the entire world.”²⁹ For the Revolution to succeed, Paine argued, this had to be a revolution of the European neighbourhood and not just France. Following the lead

²⁵ Paine, ‘Rights of Man: Part Second’, 354.

²⁶ Paine, ‘Rights of Man: Part First’, 245; Paine had earlier expressed this same sentiment to Burke in a letter. Paine, *Letter From Thomas Paine to Edmund Burke* [7 August 1788].

²⁷ Paine, ‘Rights of Man: Part First’, 245.

²⁸ Paine, ‘Common Sense’, 19.

²⁹ Paine, ‘Rights of Man: Part First’, 247.

of America, a new form of good neighbourhood relations at the ‘international’ scale had to be established, and only then would the other mode for setting differences that Paine hoped for, be put into practice.

It had become clear to Paine that it was insufficient to think of the subject of politics in a manner limited to discrete, isolated communities. Building on his view that to study mankind is to “discover the habits of thinking peculiar to different conditions,”³⁰ he came to realise that while there was an abstract idea of all mankind, there was also a “great chain of connection”³¹ that gave it actual existence, and created a society of all men. Within this global society there was, for Paine, a great number of overlapping neighbourhoods which gave men concern in one another’s affairs. As such, politics could never be properly thought of without taking account of the relations that extend to the whole of mankind.

“In contemplating a subject that embraces with equatorial magnitude the whole region of humanity, it is impossible to confine the pursuit in one single direction. It takes ground on every character and condition that appertains to man, and blends the individual, the nation, and the world.”³²

Considering politics in terms of separate studies of the individual, nation and world, creates, for Paine, an artificial division in the understanding of politics and at best gives a partial and at worst a false understanding of man. Politics of the individual, the nation, and the world are the same and no aspect of politics can be properly understood without holding a view of how people are affected on all scales. Paine hoped that if this conception of man was better understood, men might be more inclined to see that for everything which divided and made them different from their fellow man, there was as much which united them. There are common concerns and interests that are tackled best by acting as a neighbourhood and not as individuals. Such realisations do not come about through the abstract consideration of mankind, but by becoming more acquainted with the world through regular gradations and through the neighbourhoods of which men were members. He argued that this process had already begun in America.

³⁰ Paine, ‘Common Sense’, 9.

³¹ Paine, ‘Rights of Man: Part Second’, 357.

³² Paine, ‘Rights of Man: Part Second’, 398.

“From a small spark, kindled in America, a flame has arisen not to be extinguished. Without consuming, like the *Ultima Ratio Regum*, it winds its progress from nation to nation, and conquers by a silent operation. Man finds himself changed, he scarcely perceives how. He acquires a knowledge of his rights by attending justly to his interest, and discovers in the event that the strength and powers of despotism consist wholly in the fear of resisting it, and that, in order “*to be free, it is sufficient that he wills it.*”³³

For Paine, the reform of European politics would not occur, by focusing on separate states. It could only be achieved by taking account of the whole spectrum of political interaction in which Europeans were involved. People had to realise that the protection of their liberty lay in their practice of a concern for their neighbours’ liberty. It is through appealing to people’s fear of losing what little they have that despotism convinces men to give up their neighbour. What had to be realised was that in giving up your neighbour you gave up the protection of your liberty and so gave up yourself. If people realise the indivisibility of their liberty and that of their neighbours, they will find they have not just their own power, but also that of society. It was Paine’s hope that the French Revolution would bring this understanding to the European neighbourhood and that the British people would follow their French neighbours. If this occurred, he argued, “the peoples of France, England and America, who are at once enlightened and enlightening” would be able to “serve as models of good government to the universe” and would, combined, have “sufficient influence to compel the practical enforcement of it everywhere.”³⁴

III. Society, Neighbourhood and Commerce

Fundamental to Paine’s understanding of politics and his conception of neighbourhood was the idea that a “great part of the order that reigns among mankind is not the effect of government.”³⁵ Instead, the origins of order lay in the principles of society and natural constitution of man. This order exists prior to government and would continue to exist even if the formality of government was abolished, through the relations of neighbourhood. For Paine “the mutual dependence and reciprocal interest which man has upon man, and all the parts of

³³ Paine, ‘Rights of Man: Part Second’, 398.

³⁴ Paine, ‘Rights of Man: Part First’, 247.

³⁵ Paine, ‘Rights of Man: Part Second’, 357.

civilised community upon each other, create that great chain of connection which holds it together.”³⁶ It is this principle that, for Paine, explains the organisation of the world. A great chain of connection extends wherever human relations take place, creating at once a society of all mankind and a great number of separate societies and communities. Every occupation, “prosper by the aid which it receives from the other, and from the whole,” and neighbourhood relations extend to every nation and every community through their interactions.³⁷ It is common interest that creates and regulates people’s concerns and forms laws of common usage, which are always of greater influence than the laws of government. So, for Paine, society performs for itself almost everything that men ascribe to government.³⁸ It is also clear in Paine’s argument that this is not carried out by an abstract society or society as a whole, but rather by those close to each individual, by the neighbourhoods of which people are members.

That nature has created man for social life was clear to Paine, because man’s wants and needs were created greater than his individual powers could secure. The diversity of wants impels man into society, in the same manner that gravitation acts to a centre.³⁹ But Paine also argues that beyond the reciprocal aid men provide each other, there is also implanted in men a system of social affections, which is essential to their happiness. As a result Paine argues “there is no period in life when this love for society ceases to act. It begins and ends with our being.”⁴⁰ It is this social affection that attaches to men’s relations and increases through repetition, that gives the relations of neighbourhood their strength and importance. That my neighbour agrees to sell me a thousand apples is more attractive to me than a thousand apples bought from a stranger, because I have a trust not only that she will deliver, but that she will deliver good apples because we place value in our relationship as neighbours.

The principles of society extend through all of man’s relations regardless of scale. So as nature knows no boundaries with the distribution of wisdom, talents and resources, so the diversity of wants and social affections which are the fabric of society, also know no bounds. The bonds of society are established throughout the world, regardless of national boundaries and the interference of government, through the common usage which is “universally consented to, and mutually and reciprocally maintained” and through the “unceasing circulation of interest, which

³⁶ Paine, ‘Rights of Man: Part Second’, 357.

³⁷ Paine, ‘Rights of Man: Part Second’, 357.

³⁸ Paine, ‘Rights of Man: Part Second’, 357.

³⁹ Paine, ‘Rights of Man: Part Second’, 357.

⁴⁰ Paine, ‘Rights of Man: Part Second’, 357.

passing through a million channels, invigorates the whole mass of civilized man.”⁴¹ What the understanding of neighbourhood adds to this, in Paine’s thinking, is that while common usage and the circulation of interests occur in all communities, the difference in circumstances, culture and historical development, means that in every place the common usages and interests may vary in their precise orientation. It is through the local concern and operation of neighbourhood governance that societies are able to regulate themselves, and further through the understanding of the relations of neighbourhoods to one another that men become more acquainted with the world.

Common usages and the circulation of interests occur between individuals and nations in spite of government and in large part due to the practical operation of trade and commerce. It is commerce that is the key to understanding how men continue relations around the world, in spite of the oppression of government. Commercial relations are produced by the diversity of man’s wants and needs, and are essential in creating a societal bond between men. Paine highlights that the relations of commerce importantly, and increasingly, extend outside the boundaries of states and around the world, and create the bonds of society, despite the divisions and control placed upon men by government. These relations show how men can unite regardless of place and position. He describes commerce as:

“a pacific system, operating to unite mankind, by rendering nations, as well as individuals, useful to each other. As to the mere theoretical reformation, I have never preached it up. The most effectual process is that of improving the condition of man by means of his interest; and it is on this ground that I take my stand.

“If commerce were permitted to act to the universal extent it is capable, it would extirpate the system of war, and produce a revolution in the uncivilised state of governments. The invention of commerce has arisen since those governments began, and is the greatest approach towards universal civilisation that has yet been made by any means not immediately flowing from moral principles.”⁴²

Paine’s view shows the extent to which the image of man should be reflected in all the organisations of man. While the immediate necessity of man’s wants being greater than his

⁴¹ Paine, ‘Rights of Man: Part Second’, 357.

⁴² Paine, ‘Rights of Man: Part Second’, 400.

individual powers can provide for subsidies, as men extend their communities and become more acquainted with the world, this aspect of man's social life is never fully satiated, and so men, even when part of nations, require the aid of others. Commerce is the system that men established to fulfil the diversity of wants and need for reciprocal assistance. The impulses of wants acting upon every individual impel them into society, on every scale. This is not the action of moral principles. He was not referring to a Christian idea of universal civilisation, or any philosophical notion of why men ought to be organised in terms of universal civilisation. Commerce brought men into relations with one another and from this a civilisation or society, as close to universal as it is possible to get on earth, is formed. The relations of commerce, as with all the relations of men on all scales, are simply the "traffic of two individuals, multiplied on a scale of numbers."⁴³ It is this understanding of man's relations and the subsequent implications for the organisation of the world that was central to all of Paine's arguments, and it was this understanding he hoped would form the basis of new modes of settling the differences that arise between men. The relations of commerce not only fulfil man's wants and needs, but also create the social affection which, while not necessary to man's existence as a physical being, is essential to his happiness as a social being. These close bonds of social affection form around areas which men hold in common, through close physical vicinity, shared intellectual interest and cultural connections. Each of these creates a neighbourhood of social bonds and interests, providing mutual support and protection. These neighbourhoods develop at all scales of human society, among individuals, communities and nations.

IV. The Rights of Men

For Paine, a large part of the protection that man gains in society comes from the recognition and establishment of rights. Rights and their nature and origin, were a central feature of debates throughout the later part of the eighteenth century and Paine was not quiet about these questions being central to *Rights of Man*. One of Paine's main motivations for producing *Rights of Man*, was to reply to Burke's argument against the doctrine of the 'rights of man' in *Reflections*.⁴⁴ Paine jumped upon Burke's hostility to what he had described as an abstract doctrine, being used as the basis for the new French constitution and raised the question of whether Burke meant to

⁴³ Paine, 'Rights of Man: Part Second', 400.

⁴⁴ For an excellent discussion of Burke and Paine's debate in general and over the rights of man in particular see: Fennessy, *Burke, Paine and the Rights of Man*.

“deny that *man* has any rights.” Paine’s real purpose was not to argue that Burke denied the existence of rights, but rather to raise doubts about Burke’s critiques of the ‘rights of man’, by asking what these rights are and particularly from where men originally came by them.⁴⁵

For Paine, Burke was among those who mistakenly based right on the precedent of antiquity. Paine’s problem is not with precedent as such, but rather that in drawing the precedent from particular points in history, it is never possible to go far enough back. Whatever point is chosen there will always be another precedent to challenge or contradict it and so undermine any claim to authority. While particular rights have origins in different times, for Paine there needed to be an explanation for the basis of rights, from which particular rights take their foundation. He argued that the origin of rights could only come from one ‘time’, the first generation, by which he meant the origin of man as created by God. In this ‘time’ he argues, man’s high and only title was ‘man’, he was in the first instance man and nothing else. So the basis of rights lies in the fundamental equality of mankind, stemming from this origin.⁴⁶ No man, let alone a whole race of men, comes into the world exalted in any way above the rest.⁴⁷ It was worth noting, Paine added, that the genealogy of man in Christian⁴⁸ accounts is traced back to such an origin. As all men are the descendants of Adam, no one can claim a higher station from birth. In all the accounts of creation there is an agreement in the unity of man, that men are “all of one degree” and consequently born equal with equal natural rights.⁴⁹ It is when men are considered and are taught to consider themselves in light of this fundamental principle of unity and equality that man is placed “in a close connection with all his duties, whether to his Creator or to the creation, of which he is a part; and it is only when he forgets his origin, or, to use a more fashionable phrase, his *birth and family*, that he becomes dissolute.”⁵⁰ It is through these first social interactions, the origins particular to everyman and yet common to all, of birth and family that man first comes to know the world and is able to appreciate the equality of every man’s beginning. It is here also that we see the importance of neighbourhood ideas in understanding Paine’s ideas of rights. It is not from the abstract idea of right, but from the practical experience of rights through men’s first interactions in the world that men gain an understanding and appreciation of rights, as well as the duties which come with them. By retaining a view of their origins, men are able to acquaint themselves with their local neighbourhood and from this basis in society, the world

⁴⁵ Paine, ‘Rights of Man: Part Second’, 273.

⁴⁶ Paine, ‘Rights of Man: Part First’, 273; ‘Common Sense’, 9.

⁴⁷ Paine, ‘Common Sense’, 9.

⁴⁸ As well as Jewish and Islamic accounts.

⁴⁹ Paine, ‘Rights of Man: Part First’, 273.

⁵⁰ Paine, ‘Rights of Man: Part First’, 275.

beyond. Finding, at every scale, people who share common interests with us, and who attending to their own origin, act in reciprocation, new associations are formed and through these experiences of the world, men become more resolute in their faith that their rights are respected and so feel in closer connection to their duties to other men.

The equal rights of man relate not only to living individuals, but to generations of men succeeding one another. “Every generation is equal in rights to generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary.”⁵¹ It is only due to the imposition of “upstart governments” between men, and between men and God that this original equality had been forsaken. So, Paine argues, the way that the world has been governed throughout history, should not be allowed to affect the basis of rights. How the world was ordered previously is of little concern to a present generation, other than to highlight the errors and improvements of government. It was among the most damaging evils that the governments of Europe had perpetrated that “man, considered as man, is thrown back to a vast distance from his Maker, and the artificial chasm filled up with a succession of barriers, or sort of turnpike gates, through which he has to pass.”⁵² Paine refers to the plethora of men and bodies claiming divine authority and using it to demand men’s loyalty and obedience.⁵³ Man’s duty is not to negotiate this wilderness of “turnpike gates,” it is “plain and simple, and consists but of two points. His duty to God, which every man must feel; and with respect to his neighbor, to do as he would be done by.”⁵⁴ Paine asserts the duty to observe the equality of men and from this principle a duty to abide by the Christian idea of neighbourliness that we have seen throughout Paine’s arguments.⁵⁵

For Paine, the logic of rights is quite obvious: man does not join a particular society to become worse off, or to have fewer rights than before, rather he enters a society to better secure his rights. There are both natural and civil rights, and it is from the foundation of natural rights that civil rights arise. The distinction between natural and civil rights is one Paine adopted from the *Declaration of the Rights of Man and Citizens*. He saw in the *Declaration* the spirit and principle of liberty which had taken hold in America and so became a strong advocate of the ‘rights of man’

⁵¹ Paine, ‘Rights of Man: Part First’, 274.

⁵² Paine, ‘Rights of Man: Part First’, 275.

⁵³ This is an early example of the Deist arguments that Paine would set out in *Age of Reason*. T. Paine, ‘Age of Reason’ [27 January 1794], *Complete Writings I*, 463-604.

⁵⁴ Paine, ‘Rights of Man: Part First’, 275.

⁵⁵ T. Paine, ‘African Slavery in America’ [8 March 1775], *The Complete Writings of Thomas Paine: Volume II*, (New York: Citadel Press, 1945), 17.

as set out in it. While Paine's earlier arguments about rights are similar to those in the *Declaration*, there are areas of tension. Paine's attempt to amalgamate the logic of rights contained in the *Declaration*, with his own views provides valuable insights into Paine's system of thought. Paine described the two classes of rights as:

"Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others.

"Civil rights are those which appertain to man in right of his being a member of society.

"Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection."⁵⁶

The natural rights that man retains are those which the power to execute is perfect within the individual, among these Paine considers intellectual rights and rights of the mind like religion. The natural rights that are thrown into the common stock of society, from which civil rights derive, are those in which the right is perfect in the individual, but the power to execute is defective. So while the right to judge is retained in the individual, it is not perfectly executable by the individual and so civil rights and institutions are established.⁵⁷ Civil power for Paine is made up of the "aggregate of that class of the natural rights of man, which becomes defective in the individual in point of power, and answers not his purpose, but when collected to a focus becomes competent to the purpose of every one."⁵⁸ Civil power is limited in that it cannot be applied to invade those natural rights which were retained perfectly in the individual.⁵⁹

On the face of it, this is a fairly simple account of the logic behind man's rights. Man has natural rights and where he is unable to operate them properly, they are delegated to an aggregate power to operate in the interests of all, providing they do not infringe on the natural rights and liberty retained by each individual. The problem with this, and what is not in keeping with his earlier

⁵⁶ Paine, 'Rights of Man: Part First', 275-6.

⁵⁷ Paine, 'Rights of Man: Part First', 276.

⁵⁸ Paine, 'Rights of Man: Part First', 276.

⁵⁹ Paine, 'Rights of Man: Part First', 276.

arguments, is that this traces a line from natural individual to member of society, the implication of which is that man can live outside of society and possesses rights in this state, but joins society to better access these rights. As a hypothetical exercise this may help readers to understand the logic behind rights, but we should remember that for Paine man is always in society, as “it begins and ends with our being.”⁶⁰ As such it would seem civil rights, meaning those rights established between men, are the only rights that have existence in the world of men. Given that Paine describes natural rights as being perfect in that they can exist only in the individual, this means that rights can only have existence in the world through interpretation into civil power. As Paine argued, men are capable of constructing whole systems of principles on which government may be constituted, but this is an operation of the mind, acting by its own powers unable to achieve reality in the world.⁶¹ Natural right in Paine’s thought reflects the common basis from which civil rights are derived. This common basis is an original equality of man, and as such what Paine refers to as the ‘rights of man’ are those civil rights which help give men power or faculty to achieve this equality in the world.

It is for this reason that when Paine examines the *Declaration* he identifies the first three clauses as encapsulating the entire declaration.⁶² These, for Paine, capture the spirit and principle of liberty that is central to the idea of a declaration of rights and citizens. They are the most universal of the *Declaration* and so held the most potential to influence those around Europe, to rise up and join in the revolution he believed was taking place in the politics of Europe. Paine also makes clear that the declaration of rights is by reciprocity a declaration of duties. “Whatever is my right as a man is also the right of another; and it becomes my duty to guarantee as well as to possess.”⁶³ In arguing this he rephrased the argument seen throughout his writing that men should “*account all men their neighbours; and love their neighbours as themselves; and to do to all men as they would be done by.*”⁶⁴ Paine is clear that this is not just the basis of liberty in individuals, but also in nations.⁶⁵

⁶⁰ Paine, ‘Rights of Man: Part Second’, 357.

⁶¹ Paine, ‘Rights of Man: Part First’, 275.

⁶² I. *Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.*

“II. *The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.*

“III. *The nation is essentially the source of all sovereignty; nor can any INDIVIDUAL, or ANY BODY OF MEN, be entitled to any authority which is not expressly derived from it.*”

⁶³ Paine, ‘Rights of Man: Part First’, 316.

⁶⁴ Paine, ‘African Slavery in America’, 17.

⁶⁵ Paine, ‘Rights of Man: Part First’, 316.

Nations, for Paine, are not fixed entities. They are not human bodies in which natural rights or national rights can be perfectly established and executed.⁶⁶ Nations are political associations established for the public interest, both inside and outside their boundaries, better thought of as a “body contained within a circle having a common center, in which every radius meets; and that center is formed by representation.”⁶⁷ While particular nations have their own laws and rights, if they have properly approximated to the natural rights of equal individuals and made this the principle of their constitutions, then these laws should be familiar to those outside. A nation constituted on these principles will also act in a manner respecting rights in other communities, nations and individuals. While the most easily identified rights are those which are embodied in the positive laws of nations and states, civil rights, as Paine describes them, need not be formed by formal governments or written into positive law. Civil rights “appertain to man in right of his being a member of society”⁶⁸ and for Paine society exists wherever there are human relations. The more frequent and involved the relations, the more established expectations, rules and rights both within and between political communities become. It is in this context that neighbourhoods of and across nations are so important, as in areas like Europe, where the relations are of such great extent it is foolish to consider the politics of one nation or group without considering the reciprocal interest and influence of those around them.

V. Constitutions and the Image of Man’s Natural State

Paine’s ideas about society and rights come together in his understanding of the nature and role of constitutions. Paine talked about constitutions in two respects. First, he used the idea of formal constitutions polemically, to draw a distinction between the good written constitutions created in America and France and the bad, incomprehensible, unwritten constitution of Britain. For Paine, what appealed about the idea of a written constitution was that it clearly set out what the form and manner of government would be, as well as establishing the rights of citizens in relation to their government. Paine argued that while people, such as Burke, talked much about a British constitution they could not produce it, and so he concluded that the only constitutions of government worth having are written constitutions.⁶⁹ The second sense of constitution is about the way that society was ordered, the way that men were taught to relate to one another and the

⁶⁶ Paine, ‘Rights of Man: Part Second’, 372.

⁶⁷ Paine, ‘Rights of Man: Part Second’, 372.

⁶⁸ Paine, ‘Rights of Man: Part First’, 276.

⁶⁹ Paine, ‘Rights of Man: Part First’, 279.

shape that the government of men would take. While it is the latter that receives the most focus, without an understanding of the other aspects, a constitution will always produce a defective form of government. He emphasised that “[a] constitution is a thing *antecedent* to a government, and a government is only the creature of a constitution,” and that properly formed “the constitution of a country is not the act of its government, but of the people constituting its government.”⁷⁰ In Britain, the constitution did not emanate from the people, but was rather placed over them, and it was this that Paine wanted to highlight was defective about the British system of government.

There was, for Paine, a neighbourhood of the British nation which was united through common interests and mutual concern for the political community. The constitution of the nation should be drawn from this neighbourhood because a nation, properly constituted, is body in which all the parts meet in a common centre to form the government. Paine’s view that the British constitution was not drawn from the British neighbourhood meant that government rather than being a centre drawn from and representing the whole nation, was a head representing only one small part that attempted to define the whole. When a government is defectively constituted, as Paine argued Britain and the old governments of Europe were, the order of society becomes corrupted. The interests of the small part of the nation that acts as the head are imposed on the rest of the nation, through the constitution and the government it forms. The society that is the nation becomes the means through which the interests of those in government are fulfilled, a complete subversion of what Paine saw as the natural relation of society to government.

Paine best expressed his understanding of constitutions when he said that “the American constitutions were to liberty what a grammar is to language: they define its parts of speech, and practically construct them into syntax.”⁷¹ As language cannot properly operate without the rules and structure that grammar provides, so liberty cannot properly be experienced or secured without a constitution that provides the sure expectation of regular governance. Liberty, like language, is particular to each community. A constitution makes liberty comprehensible and useable for any given community in the same way grammar does for any given language. Both liberty and language develop among people and are crucial in shaping the order and character of a community. A constitution, like grammar, is a product of practice in people’s lives, and enables liberty to be realised and understood. And so for Paine, as languages have roots in other

⁷⁰ Paine, ‘Rights of Man: Part First’, 278-9.

⁷¹ Paine, ‘Rights of Man: Part First’, 300.

languages, it can be seen that political communities and the way they are constituted have reference outside of themselves, both in their historical origins and in the relations that the members of a community have beyond its limits.

The neighbourhood aspects of Paine's thought are once again evident. The constitutions of nations are not produced and do not function in isolation, but must attend to those other nations and people around them. Grammar makes language comprehensible to those who use it to communicate; proper grammar renders language functional and comprehensible not only to native speakers but also non-native speakers. Likewise, a clearly written constitution not only makes liberty more comprehensible and practicable for its political community, but it also allows other people and other communities to comprehend such liberty. For Paine, when we can understand liberty in other peoples, we are better able to establish liberty between peoples, much like understanding another language enables people across cultures to communicate. The comprehensibility of constitutions helps to establish another mode for settling the differences which arise in the neighbourhood of nations; it renders the operation and interests of governments open and more predictable, helping to put an end to the mystery and artificial sorcery behind the trade of courts in Europe.⁷²

While there were certain things that Paine thought helped promote the forming of a good constitution, he was very clear that there was no model constitution. People, he argued, had to devise the best constitution that they could for the conditions and circumstances of the present time, but with the understanding that their best efforts may well, in a few years, fall far short of the excellence possible.⁷³ We should look on with great pride if our children are able to improve upon our efforts and should never attempt to bind or confine future generations to the decisions made for an earlier time and condition. A constitution should be in a constant state of development and reform. A "morning of reason" never before seen was "rising upon man, on the subject of government," but Paine stressed that it would be hubris to expect that they had ascertained it all in but a few short years of reason.⁷⁴ Paine's position was not that the problems of government were about to be solved, but he felt that the principle of liberty and not just the idea or spirit of liberty was now practicable. His view was that the "barbarism of the present old governments" was coming to an end, and with this "the moral conditions of nations with respect

⁷² Paine, 'Rights of Man: Part First', 245; Paine, 'Rights of Man: Part Second', 397.

⁷³ Paine, 'Rights of Man: Part Second', 396.

⁷⁴ Paine, 'Rights of Man: Part Second', 396.

to each other would be changed.”⁷⁵ This optimistic view was based on a combination of his arguments about how men become acquainted with the world through regular gradations and the creation of a principle as well as a spirit of liberty. Vital to Paine’s view of the world and the development of politics was that men were no longer restricted to the divisions imposed by particular men for their own aggrandizement, and his hope that this would become reflected in the constitutions of the various nations of Europe.

“Man will not be brought up with the savage idea of considering his species as his enemy, because the accident of birth gave the individuals existence in countries distinguished by different names; and as constitutions have always some relation to external as well as to domestic circumstances, the means of benefiting by every change, foreign or domestic, should be a part of every constitution.”⁷⁶

Here Paine highlights the importance of neighbourhood relations to the constitutions of political communities. It made no sense to him that because men were born in one place rather than another that they should consider others as enemies, before they had ever met. There is no such thing as a natural enemy and so unless people have directly acted to make themselves your enemy no such view of them is justified.⁷⁷ Differences will always arise between men, but these differences arise from circumstance and once this is realised it becomes easier for people to back down from their opposition and find an alternative mode to conflict and war for settling their dispute.

Because there are many common areas of interest with people who are in our vicinity, Paine is clear that all constitutions have some relations to the external as well as the internal. The old constitutions used the external as a means of creating distinction and difference and posed those outside the state as a threat to keep down the “enterprising ruffians at home.”⁷⁸ The new constitutions would dissolve this false distinction between foreign and domestic, and replace it with one incorporating the common interest and concerns shared between neighbouring people and communities. Paine had always maintained that men in the world are not individual, but social beings, as they must always have relations beyond themselves. The nations that men form

⁷⁵ Paine, ‘Rights of Man: Part Second’, 396.

⁷⁶ Paine, ‘Rights of Man: Part Second’, 396-7.

⁷⁷ Paine, ‘American Crisis VI’ [20 October 1778], *Complete Writings I*, 136.

⁷⁸ Paine, *Common Sense*, 27.

likewise must have relations beyond their borders and as such these external or foreign relations are also constitutive of the nation.⁷⁹

For Paine, the future clearly lay in the abandonment of the divisive conceptions of nations, that portrayed them as equivalent to human beings whose liberty and survival is secured at the expense of others. Just as this was not true on the small scale of individuals, it was not true at the scale of nations or continents.⁸⁰ Paine described this as a “morning of reason,” to emphasise the point that this was only the beginning of the awakening from a deceptive sleep. There would be no spontaneous revelation of how nations should be constituted. Paine hoped that by recognising the importance of both internal and external relations to political communities, constitutions would reflect their mutually constitutive aspects. Central to this was the realisation that “man, were he not corrupted by governments, is naturally the friend of man, and that human nature is not of itself vicious.”⁸¹

In a sense similar to Burke,⁸² Paine saw that even in those states which had cast off their monarchs, the spirit of monarchy and absolute government remained. It was important to realise, he argued, that just because a government is elected does not necessarily make it less despotic, as if the parliament created holds unlimited powers then it is just another form of absolute government. In such an elected system people can be no more certain of their liberty and rights than under a King, as all power is placed in the hands of a few men without any checks on how they use it. These systems were not regulated by a proper constitution and would not have been considered to have one, if it were not for the show that governments made of having a constitution.⁸³ It was because of these deceptions in the very framing of politics that the monarchical system of government had proven so difficult to reform throughout Europe. This usurpation was not only accepted without a fight, but custom had taught people to take pride in their usurping system. The constitution of these kingdoms cultivated the idea of the nation as a self-contained and isolated entity and promoted the idea of national honour that was premised on their ability to “set the world at defiance.”⁸⁴ These constitutions were akin to poor grammar; they obfuscated liberty within the nation and created misunderstanding, misinterpretation and

⁷⁹ Paine, ‘Rights of Man: Part Second’, 372.

⁸⁰ Paine, ‘Common Sense’, 5.

⁸¹ Paine, ‘Rights of Man: Part Second’, 397.

⁸² Burke, ‘First Letter on a Regicide’ [1796], *Writings* IX, 248.

⁸³ Paine, ‘Rights of Man: Part Second’, 384.

⁸⁴ Paine, ‘American Crisis II’ [13 January 1777], *Complete Writings* I, 66; Paine, ‘American Crisis II’ [21 November 1778], *Complete Writings* I, 146-7.

confusion between nations. For Paine, the resulting uncertainty and frustration led people to resort to force to obtain what could have been given merely by asking. His hope was that by establishing a proper grammar of government in constitutions, the different languages of government and liberty, would be made understandable and accessible to one another. This would help establish communication and aid the process, he described in *Common Sense*, of how men become more acquainted with the world through the extension of their neighbourhoods, as it would make open and accessible those common issues and concerns that men and their communities share.

The creation of such republican constitutions was not simply a matter of reforming the government or even the constitutions of the nations of Europe. The image of man that gave shape to both the constitutions and the governments they created needed to be challenged. This image of man was one perpetuated by those who, in a Hobbesian mode, theorised a pre or non-societal state, where men are in a constant state of war of all against all.⁸⁵ Because man, for Paine, is a societal creature the concept of individual man in Hobbesian thinking is not possible since it implies the idea of a state prior to, or outside of society.⁸⁶ In this mode of thinking, men without authority over them would be instantly thrust into a struggle of every man with every man, for power over one another.⁸⁷ For Paine however such an absence of authority was an abstract idea that in practice had no foundation, because it would mean removing not only formal government and authority over people, but also all the bonds and relations of society. Paine's own experience in America had suggested to him that in situations where the authority of government is removed, far from descending into a war of all against all, neighbourhood relations maintained order until the crisis was over and a new system of government was established.⁸⁸ For Paine, the same would be true between nations, but far from there being an absence of government, there was too much of it which caused the perceptions of the relations between nations to be misunderstood.

For Paine, this logic took the division of mankind created by governments, and supposed it to be the problem of man's natural state, for which the creation of a sovereign and government was

⁸⁵ T. Hobbes, *Leviathan, or the Matter, Forme, & Power of a Common-Wealth Ecclesiastical and Civill* [1651], (London: Penguin Books, 1985), esp. 183-88, (Pt I Ch 13).

⁸⁶ This concept of the individual is perhaps best thought of as the concept of 'possessive individualism'. See C.B MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (Oxford: Oxford University Press, 1962)

⁸⁷ MacPherson, *Possessive Individualism*, 19.

⁸⁸ Paine, 'Rights of Man: Part Second', 358.

the solution.⁸⁹ This was the image of man's nature, contained in the corrupted constitutions that formed the kingdoms of Europe. By moving beyond this image of individual man, to an idea of man always in society and in relation to others Paine imagined a situation where the constitutions not only make life within, but also between nations more amicable, where men would be able to attend their interest and the interests of their neighbours.

VI. Republican Government, Nations and Cosmopolitics

For Paine a good constitution produces a republic, which in itself does not signify a particular form of government. Rather a republic meant that government was "wholly characteristic of the purport, matter or object for which government ought to be instituted, and on which it is to be employed, *res-publica*, the public affairs, or the public good; or, literally translated, the *public thing*."⁹⁰ *Res-publica* is what ought to be the character of government, it should not define the public or nation but rather be defined by the public in whatever form, scale and extent the public is constituted. A republican government is a government that is produced, defined and limited by a constitution emanating from the people.

While republican government signifies the character and not the form, Paine is quite clear that monarchical forms of government are intrinsically opposed to the public good, as they signify arbitrary power in an individual. The problem with monarchical government is not just that it is opposed to the character of republican government, but more importantly that it is based on the assumption that an individual can exist separately from others and as such have arbitrary power. While an individual may theoretically create a system of principles on which a government could be constitutionally based, "this is no more than an operation of the mind, acting by its own powers."⁹¹ For Paine an individual's mind is as incapable as their physical strength to complete such a task by itself.⁹² The kind of knowledge needed to create a constitution of government, is an assemblage of practical knowledge drawn from the various parts of society which no

⁸⁹ This view actually finds a resonance in MacPherson's interpretation of Hobbes. MacPherson argues that Hobbes's state of nature was not "about 'natural' as opposed to civilised man" but rather about a "hypothetical condition in which men as they now are, with natures formed by living in civilised society, would necessarily find themselves if there were no common power able to overawe them all." MacPherson, *Possessive Individualism*, 18-9. What Hobbes identified as the nature of man living in civilised society, was for Paine the corrupted state to which men in Europe had been led.

⁹⁰ Paine, 'Rights of Man: Part Second', 369.

⁹¹ Paine, 'Rights of Man: Part Second', 369.

⁹² Paine, 'Common Sense', 5.

individual alone can possess.⁹³ For Paine, this assemblage of knowledge extends beyond the boundaries of particular nations and so ‘international’ relations become an important aspect of the good government of nations. It is in this sense that neighbourhoods play an important role in the ‘international’ politics of nations. They provide the basis for the collaboration and sharing of knowledge and resources, to better provide security and freedom to the public. Nations are not individuals but collectives best viewed as concentrated centres that are in turn part of other more loosely formed collectives or neighbourhoods.

The image of government the monarchical system created was that of a divine, all-knowing individual sovereign, who embodied the state. Even when this sovereign is created by a covenant between men, the image is still that of an individual human being as sovereign. As Paine highlighted in his discussion of national honour in *Crisis VII*, this was an understanding of the world that had “stood still at individual civilisation” and so retained in “nations all the original rudeness of nature.”⁹⁴ This view explains the association of the nation by banishing the problems used to explain their creation to a supposed ‘higher’, ‘international’, level of existence, populated by the artificial persons of state. The sovereign in such a system takes on the position of the commander-in-chief directing a nation’s focus against those threats and enemies ‘outside’.⁹⁵ Paine rejected this hypothetical account of the state of nature, and the logic of the state and of international relations that accompanied it. The perpetual struggles for power and the consequent problems of conflict and war that characterised Europe, were, for Paine, not natural or inevitable, but were the result of a false conception of man’s nature and the subsequent conception and perception of national bodies. For Paine, “[a] nation is not a body, the figure of which is to be represented by the human body; but is like a body contained within a circle, having a common center, in which every radius meets; and that center is formed by representation.”⁹⁶ This distinction between a human body and that contained within a circle highlights that the nation has no interests of its own, it has no personality of its own and it has no rights of its own. Hence, for Paine, a nation cannot amount to something greater than the sum of its parts. A nation, for Paine, is a political association that is wholly defined by those who compose it and only has value in relation to them.

⁹³ Paine, ‘Rights of Man: Part Second’, 370-1.

⁹⁴ Paine, ‘American Crisis II’, 146-7.

⁹⁵ Paine, ‘Dissertations on Government; The Affairs of the Bank; And Paper Money’ [18 February 1786], *Complete Writings II*, 370-3.

⁹⁶ Paine, ‘Rights of Man: Part Second’, 372.

It is this understanding of what a nation is which implied for Paine that a properly constituted government is a republic and explains why representative government was the most likely form to produce a republic, as only such a government can at the same time embody, serve and govern the whole mass of different interests, pursuits, and characters that is a nation. A nation for Paine “is composed of distinct, unconnected individuals, following various trades, employments and pursuits; continually meeting, crossing, uniting, opposing and separating from each other, as accident, interest and circumstance shall direct.”⁹⁷ Such a diverse group of people cannot properly be described as constituting the figure of a human body. It is not only inaccurate, but suggests a different kind of association to consider the various people and groups that constitute a nation analogous to the collection of organs which make up a human body. This view recognised the difference and variety in the parts of that make up nations, but ultimately defines them through their relation to the nation, in a similar way that lungs and hearts are ultimately defined by their relations to the whole body. The parts the nation viewed in this way are defined through their relations to the survival and well-being of the national body and not as Paine saw them as purposeful in themselves.

Paine had already made clear what he saw to be the error in this view and the distinction between these types of organisations in his *Dissertations on Government*, where he highlighted the difference between the role of commander-in-chief of an army and that of commander of a nation.⁹⁸ An army, he highlights, can be controlled well by one commander-in-chief because it as it only has one focus, engaging an enemy. A nation, unlike an army, has an infinite number of interests and occupations. An army, while composed of individuals with separate tempers, can be spoken of as having a single temper, created by the “discipline, mutuality of habits, union of objects and pursuits and style of military manners.”⁹⁹ A nation can never properly be spoken of as having such a singular temper and attempts to impose such a temper in the manner of an army is when despotism enters government, as the government attempts to define the nation.¹⁰⁰

It is when nations are considered as communities of individuals following a variety of interests, employments and pursuits, which at any given moment are uniting, crossing, separating or opposing each other, that the importance of Paine’s understanding of neighbourhood and in particular its function in international politics becomes clear. With such a mass of different

⁹⁷ Paine, ‘Dissertations on Government’, 371.

⁹⁸ Paine, ‘Dissertations on Government’, 371.

⁹⁹ Paine, ‘Dissertations on Government’, 372.

¹⁰⁰ Paine, ‘Dissertations on Government’, 372.

interests, wants and pursuits, it is inevitable that a large part of these relations are connected and conducted outside or between nations and these relations also become an important part of what constitutes nations. Each of these neighbourhoods has their own practices, rights, and concerns, which will act to govern those aspects that connect their members with one another. A nation is not a singular entity or discrete unit within a neighbourhood of nations, as the communities of different nations at every scale are interwoven through various connections, relations, interests and bonds. To try and separate such communities or break these various connections, would as a consequence rip not just a part, but the whole fabric of these societies. This was not a hope, but, for Paine, already the reality in ‘international’ relations, especially in neighbourhoods of nations such as Europe, where the process of commerce and other pursuits such as those found in the ‘republic of letters’ had formed so many strong bonds among their people. All that was needed in this respect was for government to be produced by nations that attended to these interests and were not preoccupied with wars carried out in “the spirit of duelling, extended on a national scale.”¹⁰¹

Government for Paine is, or at least ought, to be conceived as “no more than some common center, in which all the parts of society unite.”¹⁰² Government is not the brain or the controlling aspect of a nation, as the image of a human body would suggest, but rather the conduit through which society can come together to provide security and liberty. Government is the combination and product of the external manifestations of men’s “impulses of conscience,” and it is through government that the separate and distant parts of the community unite.¹⁰³ The form of government that best realises this idea is, for Paine, the representative system. By bringing the whole of the people into government, this system, “takes society and civilisation for its basis; nature, reason, and experience, for its guide.”¹⁰⁴ The result, for Paine, clearly alluding to one of Burke’s most eloquent passages in *Reflections*, is that representative government:

“concentrates the knowledge necessary to the interest of the parts, and of the whole. It places government in a state of constant maturity. It is, as has already been observed, never young, never old. It is subject neither to nonage, nor dotage. It is never in the cradle, nor on crutches. It admits not of a separation between knowledge and power, and is superior,

¹⁰¹ Paine, ‘American Crisis III’ [19 April 1777], *Complete Writings* I, 81-2.

¹⁰² Paine, ‘Rights of Man: Part Second’, 372.

¹⁰³ Paine, ‘Common Sense’, 5-6.

¹⁰⁴ Paine, ‘Rights of Man: Part Second’, 367.

as government always ought to be, to all the accidents of individual man, and is therefore superior to what is called monarchy.”¹⁰⁵

What we see in Paine’s argument is an acknowledgement of the importance of recognising, accommodating and utilising the diversity and difference of those who compose a nation. Paine had come to realise that simple majority rule by itself was not sufficient; as such a government contains within it a remnant of despotic rule. This concentration of knowledge of parts and the whole provides a cementing principle that not only holds together the parts of the republic, but secures against the despotism of numbers. For Paine, what makes a nation a republic, is that its government guards against the despotism of individuals, elites and numbers. The despotism of numbers was potentially the most dangerous because of the ability of the many to act over the few.

Government is made necessary for Paine by the “inability of moral virtue to govern the world,” as people’s individual impulses of conscience cannot be clearly, uniformly and irresistibly obeyed.¹⁰⁶ Men do not form political communities and establish governments only to pool their power; they are able to do this without government. They establish government to govern those areas in which “society and civilisation” is not competent. They form governments to make clear and uniform those impulses of conscience which individually place men in conflict, and ensure that they are obeyed. A nation and its government should not be some great leviathan, powerful, but imbued with all the flaws of individuals. Rather they should be superior to the flaws of individual men, able to balance out all of the partial desires by establishing a known order to guide men in their everyday actions.

This understating of the nature of properly constituted political communities has important implications for how Paine thought about politics at the ‘international’ scale. For Paine, society exists on all scales of human relations, and so politics properly conceived should take account of the whole world of political and social relations. In this sense Paine truly can be described as a cosmopolitan thinker. But despite viewing politics as existing in the same manner at the global scale as on the scale of two individuals, and arguing for the benefits of extending man’s acquaintance with the world and forming continental unions, Paine cannot be said to advocate global government. Government for Paine is always evil, even if it is necessary, and a global

¹⁰⁵ Paine, ‘Rights of Man: Part Second’, 372.

¹⁰⁶ Paine, ‘Common Sense’, 6.

government would be more than is necessary, as men by establishing national communities form bodies that should be superior to the accidents of individual men. Paine does not talk about establishing government over nations to settle their disputes, but rather finding other modes of settling the differences arising in the neighbourhood of nations. For Paine, these other modes are discovered by taking account of the full extent of relations between men that take place in the neighbourhoods in which they operate.

The problem for Paine with the way politics had come to be viewed was that it was limited to particular communities and so missed the full cosmopolitical extent of men's lives. This did not mean that the relations of neighbourhoods were not taking place, but rather that the character of these relations were altered. By viewing the state as the end of men's lives and politics, the false idea of man as an autonomous individual able to sate his wants and needs becomes established. When cast to the scale of national community and 'international' relations it appears that the nation is capable of existing and acting in isolation, and those in close vicinity are only competition and threat. The neighbourhood aspects of Paine's thought help him to explain why the world of politics at the 'international' scale has been thought of as naturally hostile and war seen to be inevitable. Men and their communities they form are never entirely separate. The guiding principle of national interest and action must rest on a different basis of national identity and honour than comes from viewing the world as composed of isolated self-interested individuals.

Conclusion

Rights of Man, like *Common Sense*, makes the argument for separation from an old political system and the creation of a new system, based on people's own experience in society. Paine's intention in writing *Rights of Man* was to help extend the revolution in human affairs from America through France to Britain and the rest of Europe. He viewed the French Revolution not as a national revolution, but a revolution at the global or 'international' scale that would establish an alternative mode to war to "settle the differences that occasionally arise in the neighbourhood of nations." Paine set out his ideas, not to convince the ruling or revolutionary elites, but to be read and understood by the public, who he saw as excluded from the political process. He sought not only to highlight the problems with the existing political system, but to convey a way of thinking

about the world that was not limited to isolated and particular communities. It is his refusal to think of the world piece by piece that was lost in the centuries after his death.

Paine was clear about what was at stake in the French Revolution: it was the start of a new system of government and a new order of society in the neighbourhood of Europe. In this assessment Paine very much shared the view taken by Burke, but while Burke saw this as a dangerous disruption, Paine saw it as necessary renovation and regeneration. Common to both men's positions was an understanding of the interconnection and concern that existed throughout Europe. Both men conceived of Europe as political community composed of a great variety of communities, which shared common foundations in laws, manners, and the shape and order of their polities. The problem with Europe that Paine identifies was that the unthinking acceptance of customs and prejudice and a consequent lack of understanding and communications between people, had led to a mistaken understanding of relations between people. If however, he argued, this could be overcome in Britain, France and America, then combined they had the power and position to extend these ideas of neighbourhood and good government to the world.

For Paine many of the connections necessary for a global revolution in politics were already in place, through the relations of commerce. As he saw it, the growing system of commerce across the globe was providing for people's wants and needs that individually their power is unable to provide for, just as the cooperation between individuals does on the small scale. Human life is a societal life, and people at all scales and combinations are compelled into society as if by a gravitational force. It is because of this understanding that we find in Paine the image of people and the communities they form as mutually constitutive entities. It is these close relations that most define men, and it is in understanding these connections, even when they may be unwanted, that the idea of neighbourhood becomes such a useful analytical tool.

In examining Paine's argument on rights we touch upon a central topic both of his age and one that has carried through to our own. While Paine was a great advocate of the rights of man and of the idea of natural rights, rights that appear in the world are always a form of civil rights. Rights are established in communities and these rights are always attempts to best interpret the idea of natural right, the basis of which rests in the original equality of mankind. In this endeavour the argument about extending neighbourhood and becoming more acquainted with the world, comes more into focus, as it is through these endeavours that men, by learning about

others, learn more about themselves and about how to better secure natural right in their everyday lives.

Paine's analogy of constitutions with grammar highlights the importance in his thought of knowledge and understanding in the organisation and government of men. This is seen in his support of written constitutions, as it is by writing down the rules of government that people can make government and the organisation of political community comprehensible both to its members and those other peoples who have concerns in the affairs of a nation. It is by making constitutions comprehensible not only in themselves, but also in relation to other constitutions and other people that many of the problems arising between nations can be overcome. In this way the advantages and progress made in one place can be understood and translated for other places.

Paine's call for constitutions to produce governments which were republics made clear his argument that the role and place of government is the uniting centre through which the public interest is to be secured. This public interest should not be considered as some singular national mission or identity; as a nation is not a body in the form of a human, but a body with a common centre composed of distinct, connected and unconnected individuals with various and divergent pursuits, who through accident, interest and circumstance interact. We see in this description the complexity of human society, and the place and importance of the neighbourhood aspects of Paine's thought that explain this vast array of connection, loyalties and identities. While sometimes it may be simpler to think of people as individuals, the creation of whole political systems in the image of isolated individuals that could exist in a pre-societal state of nature, created a dangerous and mistaken image of man and the world. This state of conflict was cast as the image of nature, but this was an artificial image taken from a mistaken view of man, communities and the world. For Paine, most of people's lives are governed without the overt regulation or influence of government. It is this governance of people's lives, within, between and outwith national communities that the ideas of neighbourhood identify and explain.

Conclusion

Three tasks remain to bring this research together and to allow me to offer my view on the key points to be taken from understanding the neighbourhood aspects of Burke's and Paine's thought. First, I return to the main objectives and questions set out in the introduction and Chapter 1. Secondly, I offer a conceptualisation of the concept of neighbourhood drawn from the arguments set out in the chapters on Burke's and Paine's thought. Thirdly, I consider some of the main points of convergence and divergence between Burke's and Paine's neighbourhood arguments, with the intention of signposting some of the main points of debate and agreement between the separate accounts of Burke's and Paine's thought. Finally, I conclude with a few wider comments on the significance of this research.

I

This research has set out to recover what I have termed the neighbourhood aspects of Burke's and Paine's thought. It has sought to examine the conceptions of politics found in both writers that make no distinction between the different scales of human action. Further, by identifying the concept of neighbourhood it has sought to explore the function of proximity in the relations and constitution of people and communities. Behind this inquiry is the more fundamental research question which asks how people and communities relate, and to what extent these relations are constitutive of who and what we are. The motivation is a concern with the ways the world is thought about, and the extent to which the images and values embodied in our current ways of life are projected back in accounts of what has come before. In particular, the concept that has been of concern here is the ubiquitous assumption that there are distinct domestic and international realms of social and political relations. This assumption has not only guided the development of parallel studies of Politics and International Relations, but shaped many of the values most central to how we think of ourselves and understand the world. In turn, there has been a tendency to assume that this division is not simply one of our present time, but rather a

perennial issue of human relations. This however is not a dichotomy that can be found in Burke's or Paine's thought.

As we saw in Chapter 1, the hegemonic focus on life within the state has led many to take for granted the sovereign, territorially-bound concept of the state and to view the state as the place where ideas of the good polity are worked out. This left the relations between states to be considered not only as a separate line of inquiry, but as a different order of politics, where relations occur under a condition of anarchy. The accompanying image of the 'modern state system' was not seen as a new idea and mode of relating, but was traced back to the treaty of Westphalia. But as Teschke, Osiander and others have made clear, this understanding of Westphalia is a myth, produced to tell a particular IR narrative. The modern state system, like the bifurcated understanding of politics, became established in the nineteenth century. The concern and line of inquiry into international relations was founded out of and has continued to gravitate around the understanding of relations as the concern about the interaction of sovereign states under a condition of anarchy. As a result two starting points for thinking about international relations became established and are reflected in the development of IR debates and theories thought the twentieth century into the twenty-first. There were those who took the state as the starting point for inquiry and those who took their starting point as individuals. While all IR thought does not rigidly adhere to these two positions, their importance in the most prominent and widely espoused approaches to IR and debates about world politics has meant that even those seeking to bring new perspectives and ideas to issues of international relations have had to engage and operate within this IR paradigm. By recovering the concept of neighbourhood from Burke's and Paine's thought an alternative starting point for thinking about the relations of people, communities and states is provided and it is demonstrated that there is potentially a much wider body of thought concerning these relations that can be drawn upon.

An important part of this research has been to consider and adapt Quentin Skinner's arguments about method to the study of the history 'international' political thought. The dominance of the dichotomised view of politics has led to a particular view of what is and is not considered 'international' thought. But there is no set of canonical questions which identify international thought, only answers to particular questions posed at particular times. I argue that if we are to properly seek to study the way that past thinkers have thought about the relations of peoples and communities, we need to be much more open to the ways in which they approached and thought about events, challenges and problems in their time. Central to the approach to Burke's and

Paine's thought adopted here has been the attempt to see things as much as possible their way. I have sought to recover their views of the events of which they were part and their intentions in producing their writings and speeches. By adopting a broadly Skinnerian approach, the aspiration is that Burke's and Paine's neighbourhood ideas enable us to consider other ways of thinking about the world. Additionally, the intention in recovering these aspects of their thought as argued in Chapter 1 has also been to enable us to appreciate the extent to which our current ways of thinking about the world and the values embodied in it, "reflect a series of choices made at different times between different possible worlds." Armed with this knowledge and new possibilities, we are then able to ask ourselves afresh what we think of the accounts of the world we have inherited.

II

Central to the neighbourhood aspects of Burke's and Paine's thought is their understanding that people are not isolated, autonomous individuals, but socially constituted beings. This is an understanding of human beings and relations that leads them to view individual action and actions carried out in combination with others as the same. Politics not only operates in the same way at all scales of human relations, but an understanding of and accounting for the relations at these different scales, is also vital to fully appreciating relations at any scale or in particular situation. For both Burke and Paine, to properly understand politics within the boundaries of the state, it is necessary to understand and attend to those relations which lie outside and transcend these limits, and vice versa. The key aspect of the neighbourhood ideas of both writers is the function that distance plays in human relations. Distance is not only physical, but also social and political. As both people and communities are socially constructed, it is important to understand which relations are the most significant in their constitution. The logic of neighbourhood highlights that the closer people are both emotionally and spatially the more their relations and actions are of concern to one another and the more important these relations become. This had implications for the ways Burke and Paine thought about the events, issues and challenges that arose between Britain and America, in the constitution and conduct of the British Empire, and in the relations of Europe.

The concept of neighbourhood discussed in this thesis is used to describe certain aspects in both Burke's and Paine's arguments, but the use of that term is not coincidental; Burke and Paine

each refer to neighbourhood and neighbours at several key points in their writings. The term 'neighbourhood' immediately brings to mind a fairly specific and familiar image of community: one found in the streets and houses where we live. In this familiar sense, 'neighbourhood' describes the condition or quality of being a proximate dweller, of living close to other people. It is to this particular, small scale understanding that both Burke and Paine explicitly appeal, in order to convey an understanding of human relations on larger scales.

Both writers identify the neighbourhoods in which people are born and raised as their first experience of the world, and as the first set of relations with others that give people a sense of who they are. In Paine, we see this in his account in *Common Sense* of how, from the small community of local neighbours, we become acquainted and associate, on larger and larger scales, with other people and communities. While, for Paine, these larger associations allow people to overcome local prejudices, it is on the basis of social connections starting in the local neighbourhood that we are able to form connections and comprehend the world. We do not enlarge our experience of the world by discovering different levels of society or realms of politics, but rather by expanding the relations of the local neighbourhood to the scales of town, country, continent and eventually world. Burke similarly made clear in *Reflections* that the basis of our existence, understanding and attachments in the world is our local neighbourhood, subdivision or little platoon in society. It is from neighbourhood that our public affections and trust arise and are able, through a series of links, to extend to other communities and develop into a love of our country and beyond to mankind, by revealing those common mutually constitutive aspects of who people are. What is made clear in these arguments is not only that politics is viewed as the same at all scales of human relations, but also that our understanding and attachment to society at larger scales can only be established on the understanding developed from experiences of our neighbourhoods.

The neighbourhood understanding that people are proximate dwellers, in Burke's and Paine's arguments, is used not only in the physical sense, but also in a social sense. While social relations first occur in those immediate connections of our geographically local neighbourhoods, as we encounter the world we become part of other communities that to varying degrees are constitutive of who we are, how we live our lives and understand the world. It is in this sense that Burke so unproblematically talks about the American Colonists as being Englishmen. While the social relations, ideas and prejudices that make someone an Englishmen were, for Burke, developed in England, it is the proximity of people in shared history, prejudice, character and

manners that unites and connects people as Englishmen and not the physical proximity. Paine makes this point in a similar, but less positive sense, when he identifies the customs and prejudices of Britain and Europe as something that Americans needed to separate from in order to properly carry out the Revolution. He recognised that while being at a great physical distance from Europe aided the chances of independence, this would not be enough to establish a republican system of government and society in America; the American people also had to separate from those customs and manners at the heart of the hostile relations of the European neighbourhood.

The closer people are the greater the social affection and bond established in the relations between them, and the more certainty and value these relations are given. As Burke put it, “Men are not tied to one another by papers and seals. They are led to associate by resemblances, by conformities, by sympathies,” because people recognise that part of who they are is contained and secured through these associations and relations. Both Burke and Paine recognised that it is not positive law alone that governs peoples, or written treaties that regulate relations between nations, but rather the trust established through association and recognition of shared interest. A neighbourhood is a community where people’s proximity to one another, be it physical, cultural, political or social, generates and sustains concern for that very proximity, which in turn establishes systems of governance.

For Burke and Paine, it is the image of geographically local neighbourhoods that best conjures the logic of these relations of proximity in people’s minds, but they are clear that people are proximate dwellers in more than just a physical sense. Central to each of their arguments was the problem, not new, but perhaps more pressing in their time, of how to understand and adapt to the existence of political communities stretching over great distances. As Burke made clear, in all human relations “it is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life.” These sentiments are also clear in Paine’s analogy between grammar and constitutions, where he argues that it is by making the constitution of political communities comprehensible to one another that understanding, trust and the bonds of amity become established.

The implications and importance of distance become clear when it is considered that for both Burke and Paine humans are not isolated, autonomous individuals, but rather socially constructed beings, who are never perfect masters on their own ground. Both individuals and

communities have part of who or what they are outside of their limits, and part of who or what other individuals and communities are inside their limits. The closer other people and communities are, the greater part they have in the constitution of individuals or communities. This means that the closer the relations between different people and communities, the greater effect they have upon one another's lives and the greater the concern that is felt for these relations. For Paine, this understanding of man explained the hostile, war hungry nature of the European neighbourhood of nations. These nations, viewing themselves as autonomous individual entities and perceiving those around them to be affecting their affairs and sharing common interests and goals, interpret proximity as competition and threat. Paine argues though that if it could be realised that people and communities are socially continued beings, then an alternative basis for settling the differences among communities would be established, as rather than viewing their proximity to one another as threat, communities would realise it provided both security and a basis for cooperation. For Burke, the understanding of human beings as social beings or proximate dwellers is the basis for the law of the neighbourhood. He saw that just as changes in a local neighbourhood would affect the established way people lived their lives, so changes at the scale of nations have the same effect. In both cases Burke was clear that the neighbourhood as a whole not only had a concern for these changes, but a right and duty to resist, even, if necessary, in anticipation. We also see a neighbourhood argument and concern in his attempts to prevent the abuses of the British Ministry against Englishmen in America and Britain during the American Crisis, and the abuses of the East India Company (EIC) against the trust of British government and the Indian peoples.

The understanding of people as essentially social beings, constituted by their neighbourhood relations, differed from the dominant thinking which asserted the primacy of the individual. The latter view had developed from the Hobbesian and Lockean ideas of people as naturally isolated, solitary beings who have the sole right to the property of their own person. For Burke and Paine, there was no state of nature that could be looked to because what makes us human is that we are in society. The fact of being in society means we interact and affect others, which in turn, gives us responsibilities that mean we are never sole rights holders or perfect masters over our lives. For both, the assumptions central to arguments such as Rousseau's claim that "[m]an is born free; and everywhere he is in chains,"¹ contain an idea of man and liberty before society that is then restricted and limited by society and government. This was a false understanding of liberty:

¹ J.-J. Rousseau, 'The Social Contract or Principles of Political Right' [1762], *The Social Contract and Discourses*, (London: Everyman, 1993), 181.

because people are always in society, liberty can only be experienced and understood in and through society. This was made clear in Burke's response to the French Revolution, where he argued that praise or blame cannot be given to anything relating to human action without a view of the circumstances in which it occurs. Burke objected to the abstract sense of liberty found in Rousseau and French Revolutionary arguments, because it took a product of particular societal arrangements of Europe and imagined that it could exist without them, as if just by saying liberty, it could be achieved, not realising that without the society that produced it, there was nothing. Paine had a different perspective. For him, despite all the play that Britain made about the spirit of liberty in its constitution, and the acclaim given to the spirit of liberty in the great Greek and Roman civilisations, none before America had realised a principle of liberty. By this Paine meant that while people had come to an understanding of the idea of liberty, none until America had put liberty truly into practice by extending it to all people. It is, for Paine, only when it is seen that liberty is achieved through society and other people and not in spite of them that it is truly realised.

A clear disjuncture can be seen between the understanding and image of the world of human action we have inherited and that found in the concept of neighbourhood. Since the seventeenth century, two elements have been at the heart of Western political practice and self-understanding: the conception of people as naturally isolated, solitary, autonomous beings and the accompanying view of the state as an artificial person conceived in this image. These elements created an understanding of the world of human action premised on the relations between us and them, between those inside and those outside the limits of the community, between who we are and those different others. This conception was central to many of the positions and arguments with which Burke and Paine engaged during the American and French Revolutions. While the Americans and French rejected their respective Kings, they continued the notion of absolute rule and the personified image of the state through the doctrine of popular sovereignty. The prevailing understanding of the world from the end of the eighteenth century onwards was based on the dichotomised conception of politics. It was in large part in opposition to the development and the practical implications of this conception of the world that Burke and Paine formed their arguments and ideas.

The neighbourhood view of the world of human action rather than distinguishing between us and them, seeks to discover the proximity between people and communities and reveal the parts of their beings which are mutually constituted and governed by the concern felt by all members.

The concept of neighbourhood found in Burke's and Paine's writings is one developed with reference to the small scale, but focused on addressing politics and human relations on all scales and their actual and potential independencies. It makes explicit that while the relations of communities and nations may seem distant and even separate from people's everyday lives, because of the scale on which they occur, this does not diminish the extent to which they are constitutive of people's ways of life, and the consequent proximity that exists between people often great physical distances apart. It also makes clear the extent to which the relations of people at all scales are governed by a great number of overlapping communities, created by people's common interests and relations. The neighbourhood perspective helps Burke and Paine understand the relations, not only between nations, but between those communities that exist and operate across territorial limits, and are important parts of who and what people and communities are.

III

The concern here has been with recovering the ideas of neighbourhood from Burke's and Paine's writings, and providing a clear account of how they are an important part of their political thought. While the 'debate' between Burke and Paine over the French Revolution provides important context for understanding the arguments of each writer, the intention has not been to directly address this debate or the literature which has focused on it. However while the accounts of Burke's and Paine's neighbourhood arguments have been set out separately they are intended to be complementary and offer points for comparison. The development of both writers' thought follows a similar progression, and an alternative way of reading the thesis, which would bring out the comparative aspects of the arguments, would be to read the accounts of Burke's and Paine's thought in parallel, chapter three with seven and so forth.

There are however a few key points of convergence and divergence between Burke and Paine's accounts of neighbourhood that are important to highlight in considering the concept of neighbourhood.

The European neighbourhood

One of the clearest areas of agreement and disagreement between Burke's and Paine's ideas of neighbourhood is seen in their perceptions of the European neighbourhood. Paine clearly agreed

with Burke's assessment of Europe as sharing common foundations in the Christian religion, Germanic Custom, monarchical order, feudal institutions and Roman law, all of which created a common European system of manners. These were the social aspects which, combined with the physical proximity of European nations, made Europe such a closely connected neighbourhood. But what Burke saw as common foundations which provided stability and the governance of long developed wisdom to the different nations and people of Europe, Paine saw as the common foundations of a corrupted system of government that had subverted the relations of government to society. For Burke, while the nations of Europe developed "provincial customs" and "local establishments," these common foundations meant that Europe's various societies and governments were always familiar and comprehensible to one another. It was this similitude Burke credited for reducing the evils of war within Europe. For Paine the laws, customs and manners were a common system by which the usurpation of power and authority from the peoples of Europe was perpetuated. These "provincial customs" and "local establishments," rather than being the means by which the various European communities were taught to communicate and find common ground, were the means by which the European peoples were divided from one another, and taught to view others as competitors and threats.

Paine thought Europe had become too thickly planted with kingdoms to be long at peace, but he did, like Burke, see the similarity between the ways European people lived their lives. The commonalities between European people only strengthened his conviction that if only they could realise the Christian principle, to do unto your neighbour as you would be done by, artificial distinctions would be dissolved and other new modes of operating in Europe established. While Burke agreed with the importance of realising this Christian principle, the zeal expressed by Paine and the revolutionaries throughout Europe for new modes, greatly alarmed Burke. He did not disagree with the attachment that Revolutionaries had for notions of liberty, equality, and fraternity, but he was clear that this was an attachment to notions born out of the European system and that by sweeping away their foundations they removed all support for their practical realisation in society. Further, the logic of neighbourhood, where no person is ever totally independent of other people, meant that the Revolutionaries were not just destroying the foundations of their own liberty and that of their fellow Frenchman, but also those of every nation in Europe. This was, for Burke, an assault on the British way of life and on the way of life of every European, to whom as neighbours, they had a duty. Paine shared this understanding of the logic of neighbourhood, but for him an assault on the foundations of the corrupt monarchical system of government was exactly what needed to happen.

While they took opposing positions towards the French Revolution, both Burke's and Paine's arguments can be seen as advocating the importance of increasing the extent to which neighbourhood concerns were taken into considerations by the European nations. For Paine, this was to be done through the introduction of the system of politics he thought had been newly established in America, a system which he saw as having realised the importance not only of the spirit, but also the principle of liberty, and in doing so appreciated the neighbourhood understanding of man. This achievement had been further secured for Paine through the production of a clear written constitution, making the government of America not only more coherent, but also more comprehensible to its people and those neighbours with whom they interact. For Burke, the Revolution in France was a sign of the extent to which the nations of Europe had become overly preoccupied with their own lot. Britain, for him, had become a great liberal nation because of its intimate relations and concern for its neighbours in Europe. This was demonstrated by William III's actions in coming to the aid of Holland against Louis XIV of France, and in doing so refusing to let England shrink back into its narrow self and instead making England the "Arbitress of Europe" and the "tutelary Angel of the human race." Both men were concerned with the extent to which Britain and other European nations had become increasingly focused on the extension of their dominions around the world at the expense of their neighbourly duties. The race to colonise the world was a corrupting influence, both on the British principles of government and the European neighbourhood.

The British neighbourhood

The opposition between Burke and Paine seen in the debates over the French Revolution reveal clear divergences in their respective views of the British neighbourhood. In *Reflections* Burke gave his staunchest defence of British society and the British system of government, and Paine in *Rights of Man* produced his most scathing attack on it. It would be easy to simply see this opposition and these views of the British neighbourhood stretching back through all of their arguments and in particular in the positions in the American Crisis and Revolution, however such a view would mischaracterise both men's positions and ignore important areas of convergence. Burke's writings and involvement in the American Crisis started almost a decade before Paine moved to America and took up his pen. By the time Paine wrote *Common Sense* and the *American Crisis Papers*, Burke, while still advocating conciliation and arguing for the benefits of imperial union with America, had grown increasingly concerned about the conduct of Britain under the North ministry, and begun to accept the increasing necessity of separation. While

Paine was intent on separation, the idea of government that Paine envisaged for America was in many ways the natural development of the idea of the British constitution that he outlined in the *Dialogue*. His argument for the establishment of a spirit and principle of liberty and a proper sense of national honour in the *Crisis Papers*, made the defence and extension of liberty the glory of Americans, just as he argued it had been the “glory of Englishmen.” What Paine pictured for America is in parallel with Burke’s vision for what a British Empire should be. Both looked to establish a system that would be an example to the world.

For Burke, the British Empire in America had the potential to bring about major beneficial reform, securing the principles that he saw as the bedrock of the British political system and constitution. Paine indicates that he also saw this potential in his arguments about what used to be the “glory of Englishmen” and his view that that Britain had wasted the gifts of commerce and dominion which had provided the opportunity to civilise the eastern and western worlds. For Paine, the British neighbourhood, which extend into America, fell into a state of complacency. He argued that the British constitution had been a “glorious rescue” from a state of tyranny, but rather than continuing to reform and develop its constitution, Britain sat back and became bloated on prosperity and power.

Both Burke and Paine were clear that Britain not only failed to properly account for the sentiment of the American Colonists, but was also ignorant of the effect that abuses against their American brethren would have on the common foundations of rights, privileges and liberties enjoyed by all Englishmen. This is seen in the analogy of the relationship of Britain and America to that of parent and child which both Burke and Paine used. For both, Britain, rather than taking pride and recognising security in the success and prosperity of its offspring, had become jealous. It sought to take wealth not only to increase its own, but also to put America in its subordinate place. This was bad and mistaken behaviour when directed against anyone, but against one’s own family it showed a complete disconnection with principles and ideas that had been present in the Glorious Revolution.

For Burke British Empire did not mean dominion over people, but rather political union with them. This was particularly the case when the imperial extension involved the governance of fellow Englishmen because these principles were as strongly supported in America as they were in Britain. Both Burke and Paine were clear that the separation of the American Colonies was the result of British actions and not those of the colonists who had clung to the established practices

and principles. For Burke the bond of imperial union was finally broken by the miscommunication of the sentiment the British people felt towards America. This was a miscommunication disseminated by members of the government, but for Burke it was through Paine's pen that the Americans became convinced of Britain's malice. Burke came to accept that the trust of the American people in the imperial government of Britain had been lost and with it a great opportunity to set up a system for the world to admire.

India and an Independent America

Burke's considerations of the imperial governance of India and Paine's arguments for a new kind of political community in America provide interesting points of comparison. Both arguments focus on extending and establishing political community based on an understanding of neighbourhood relations, and place strong emphasis on the importance of good conduct for the process. For Burke, by taking on the role and duties of government, the East India Company (EIC) had extended the British neighbourhood, and Britain became intimately tied to what happened in India, and vice versa. He argued that all government, all rights and all privileges are at bottom the strictest of trusts, and so by taking on the power and responsibilities of governance in India, Britain had not only accepted Indian trust, but linked it to the trust on which the power, rights and privilege of all British government rested. A similar concern is evident in Paine's arguments about establishing a new independent American political community. He was clear that while separation from Britain had become a necessity, the establishment of a republican system of government which would place liberty at its heart was not inevitable. A great trust was placed in the hands of the leaders of the revolution and in the American people in general to establish a new system of government and not abuse and become corrupted by the great power they were assuming.

Central to this task for Paine was the development of a true understanding of national honour. Paine highlighted that national honour falsely understood, casts nations as autonomous individuals in a state of anarchy, and sees honour coming from a nation's ability to overpower and compel others. Paine is clear that both people and nations are never totally independent and what is the best conduct of individuals is also the best conduct of nations. So the idea of national honour is not simply premised on how prosperous and well constituted nations are internally, but also in how they act and treat their fellow men and nations in neighbourhood with them. It is for this reason that one of the main themes of Paine's arguments in the Crisis papers, focused on

the idea that liberty is not free, that it takes sacrifice, and that it is the conduct of every individual which shapes the conduct of the nation and their prosperity in the world. Nations, as people, are never totally independent, and to conceive of liberty as being able to be secured by only looking within the limits of a nation is always a mistake. The ideas of neighbourhood seen in Paine's principle of liberty mean that it is a necessary part of a nation's liberty to offer the friendship and liberty that they have to their neighbours, realising that it is only through the liberty of others that they can be secure in their own.

A similar focus on the importance of good conduct can be seen in Burke's argument regarding the extension of the circle of British justice to India. Burke argued that by moving within its own municipal circle of justice, Britain had advanced greatly in its ability to govern itself, but that this advancement had its limits. As no one is ever in a total state of independence from another, by not engaging with a wider circle of justice, there were problems and questions which would not only be unanswered, but would eventually affect the municipal circle. This was nowhere more evident for Burke than in his arguments for impeaching Warren Hastings. Britain, through the EIC, had established imperial connections with India and with this extended the sphere with which British justice was concerned. The EIC under Hastings control had engaged in massive corruption and abuses of power; these were actions which were clearly criminal within Britain. Burke feared that the letter of British law, written to govern actions within their municipal circle, would be used to create "scholastic distinctions abhorrent to the general sentiments of mankind," to clear Hastings. British laws were created, for Burke, to secure liberty for all regardless of position within Britain. If Hastings was allowed to hide behind the letter of these laws, Burke was clear that it would not only appear to the rest of the world that "the laws of England are for the rich and powerful; but that for the poor, the miserable, and the defenceless they afford no resource at all," but would actually establish this division within British justice.² Burke argued that by moving beyond the narrow partiality so destructive to justice and applying the spirit contained within British laws to convict Hastings, he was sure that Britain would find further security for their principles and practice of justice. For Burke, by finding ways to properly govern new, different and disparate political communities, empire would not be about domination, speculation or aggrandizement, but about better realising and securing principles of liberty and justice through the "resemblances, conformities and sympathies" that create the bonds of neighbourhood.

² Burke, 'Speech on the Opening of Impeachment' [15 February 1788], 278.

IV

The neighbourhood ideas recovered from Burke's and Paine's thought suggest a way of thinking about the world and how people and communities relate that is different from the way we have come to think of them. Theirs are understandings of politics that make no distinction between the domestic and international realms of social and political action, and are not constructed around the distinction between "us and them" that Chris Brown highlights is so well established in popular thought.³ The recovery of the ideas of neighbourhood highlights an alternative to the hegemonic bifurcated understanding of politics that has shaped not only how politics and international relations have been studied, but the very way people think and act in the world. If, as the ideas of neighbourhood suggest, we think about the world and human relations not, as R.B.J. Walker puts it, in terms of "inside and outside," but rather from the perspective of the proximity of people and communities, then we develop an image and understanding of how we necessarily affect one another, and create responsibilities and connections that at the same time limit and liberate us. Nations, communities and individuals are never simply one thing, but rather are constantly changing entities constituted by those around them.

The focus of Politics and Political Theory on life within the state not only misses important aspects of people's lives and relations beyond the state, but as a consequence important aspects of life within states. The neighbourhood perspective, by making no distinction between scales on which human action takes place, provides a different way of thinking not only about how formal political communities like nations relate, but also how all communities interact, coexist and are mutually constitutive. As Robert Jackson points out, the image of Europe in the middle ages was not the territorial patchwork of colours of our world of states, but "a complicated and confusing intermingling of lines and colours of varying shades and hues." The ideas of neighbourhood provide a way of thinking both beyond the image of the world as a patchwork, providing a framework for the perception of complex and shifting connections across the borders of political communities. Viewed in this way, concepts such as anarchy, central to many IR positions and debates, can no longer be understood in the same way, are no longer central, or are rejected. Central to how both Burke and Paine understand the world of human action is that

³ C. Brown, *Sovereignty, Rights and Justice: International Political Theory*, (Cambridge: Polity Press, 2007), 2

governance is a part of all human relations. Most of what governs people's lives does not come from government, but from the communities in which we act.

The ideas of neighbourhood also raise serious questions about the way we understand some of the values most central to our ways of life, and how we understand and seek to order our world. When we consider individuals and nation-states from the neighbourhood perspective, not as separate and autonomous, but as socially constituted entities, we find different notions of values such as sovereignty and liberty. Both of these values are central to both Burke's and Paine's arguments and concerns. While their understandings of sovereignty and liberty are in many respects similar to ours, as the recovery of the neighbourhood in their thought has shown, there are also important differences. Considering Burke's argument that people are never perfect masters on their own ground for example, has implications for how we understand national sovereignty. Nations can never be totally free to do as they wish, as they are bound by the concerns of those communities and people who are close to them. Burke is clear in saying this that it is not an abstract concern or connection with others that binds people, but rather established practice and actual connections. While all power and authority is in theory held on trust from mankind, it is in practice from those with whom we interact that trust is given and held. Paine was clear that it was the view of Europe separated into autonomous kingdoms, rather than as being a mutually constituted community, that had thrown it constantly into conflict and war. Paine explicitly rejected the consequent understanding of liberty, premised on the ability to set the world at defiance, or as Burke put it, the ability to do as one pleases. For both, liberty is something that comes from of society and is not separate or separable from it.⁴ The neighbourhood perspective rejects the view of the state as an artificial person who holds the rights of sovereignty and the consequent view of subjects and states as free when they are "unimpeded from exercising [their] capacities and desired ends."⁵ The neighbourhood position offers a perspective on politics which goes against this concept which has been "at the heart of the political self-understanding and practice of the modern west" since the seventeenth century.⁶

It seems to me that we largely accept the understanding of the state, communities, individuals we have inherited as well as the image of the world it creates, without asking why we think in this way, or where it comes from. Burke's and Paine's writings are clearly engaged with issues and

⁴ In this sense this notion of liberty is different both from the hegemonic notion embodied in Liberalism and the neo-Roman theory that Skinner identifies. Skinner, *Liberty Before Liberalism*.

⁵ Skinner, *Liberty Before Liberalism*, 5.

⁶ Skinner, *Liberty Before Liberalism*, 109.

events concerning the relations of communities and nations. Despite the efforts of some to examine their thought and see what it has to say about the issues and debates of IR their ideas and arguments have been relatively ignored. This is not because they did not have something to say about 'international' politics. It is because they had little to say about international politics as a distinct or separate realm of human action. This has implications for what is considered to be 'international' thought. If we take our world and our problems as a guide when we look for international aspects in the history of political thought, then we are likely to miss the other ways in which people have conceived of the world and perceived the relations between people and communities in their time. We are also likely to misinterpret those ideas and arguments that seem to fit our criteria. Burke and Paine are not unknown, unimportant figures to us, nor are they separated from us by a great period of time, and yet their neighbourhood ideas provide us with other possibilities for thinking about politics and how the world is ordered. If figures so close and familiar to us can offer other ways to start thinking about our world and the values embodied in our present way of life, this indicates that a wider view of the history of international political thought needs to be adopted.

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